

1080

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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|                            |   |                               |
|----------------------------|---|-------------------------------|
| UNITED STATES OF AMERICA,  | : | 15-CR-00266 [BMC]             |
|                            | : |                               |
| -against-                  | : |                               |
|                            | : | UNITED STATES COURTHOUSE      |
|                            | : | BROOKLYN, NEW YORK            |
| MUHANAD MAHMOUD AL FAREKH, | : |                               |
|                            | : |                               |
| Defendant.                 | : | WEDNESDAY, SEPTEMBER 20, 2017 |
|                            | : | 9:30 A.M.                     |
|                            | : |                               |

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TRANSCRIPT OF CRIMINAL CAUSE FOR TRIAL  
BEFORE THE HONORABLE BRIAN M. COGAN  
UNITED STATES DISTRICT JUDGE

A P P E A R A N C E S:

For the Government: BRIDGET M. ROHDE, ESQ.  
United States Attorney  
Eastern District of New York  
271 Cadman Plaza East  
Brooklyn, New York 11201  
BY: DOUGLAS M. PRAVDA, ESQ.  
RICHARD M. TUCKER, ESQ.  
SARITHA KOMATIREDDY, ESQ.  
ALICIA COOK, ESQ.  
Assistant United States Attorneys

For the Defendant: LAW OFFICE OF SEAN M. MAHER, PLLC  
The Woolworth Building  
233 Broadway, Suite 801  
New York, New York 10279  
BY: SEAN MICHAEL MAHER, ESQ.  
RUHNKE & BARRETT  
47 Park Street  
Montclair, New Jersey 7042  
BY: DAVID A. RUHNKE, ESQ.  
DIANE FERRONE  
1745 Broadway  
17th Floor  
New York, New York 10019  
BY: DIANE FERRONE, ESQ.

Proceedings

1081

1 (In open court; outside the presence of the jury.)

2 THE COURT: Okay. The defendant is not present just  
3 because the marshals have not been able to secure his  
4 appearance yet. We have a couple of legal issues to address.

5 Is defense counsel willing to waive his appearance.

6 MR. RUHNKE: Yes, Your Honor.

7 THE COURT: Okay. First, let me deal with the  
8 Vidino testimony that we discussed last night. As to that, As  
9 to the Rule 403 issue, I think the reason it is difficult is  
10 because the evidence has little probative value and little  
11 prejudicial impact.

12 As I described it yesterday, it is essentially a  
13 rear-guard action by the Government to get one or more jurors  
14 the answer to the question, if they ask the question, how  
15 could a clean-cut college kid get into something like this.

16 Now, I think the defense is wrong about it being  
17 propensity evidence. It is not propensity evidence. It is  
18 anti-propensity evidence. It is basically that anyone can  
19 succumb to this kind of an aberrant behavior. The fact that  
20 the defendant is part of any one does not make it unduly  
21 prejudicial. The witness is offering no opinion as to whether  
22 or not the defendant in fact succumbed and so the prejudice to  
23 him is very small.

24 I think Mr. Ruhnke hit the nail on the head, as I  
25 said yesterday, when he said the jury can use its own common

Proceedings

1082

1 sense to answer that question, how could a clean-cut college  
2 kid get involved in this.

3 That is really the issue I am most focused on and I  
4 think the problem with saying it is a matter of common sense  
5 is that we would be making the mistake of thinking that the  
6 jury is as ensconced in this area as we have all become.

7 That is particularly true because we were so careful  
8 in the selection process to make sure that the jury did not  
9 have any strong conceptions about terrorism or al-Qaeda. Some  
10 of them in the veneer said they do not follow the news at all  
11 about al-Qaeda and knew very little about it.

12 These are people, by our design, who have given a  
13 lot of thought to terrorism or al-Qaeda. That's what we tried  
14 to bring about and I have no reason to think we did not  
15 succeed.

16 Therefore, it would be illogical for one or more  
17 jurors to ask the question that all of us have asked from time  
18 to time when we, who are more ensconced in these issues, hear  
19 about these incidents coming from unexpected perpetrators and  
20 their lack of experience might cause a juror to struggle  
21 enormously with that question in the context of a criminal  
22 trial on these charges where it is asked as a passing  
23 question, but it can be a matter of some importance.

24 The Government wants to give them help with that  
25 question, if they have the question, and I think that is

1 appropriate. I am not concerned about confusion or delay.  
2 This witness is going to testify on other areas anyway and  
3 what we heard yesterday I thought was pretty straightforward  
4 and brief.

5 In addition, if Mr. Ruhnke is right and it is a  
6 matter of common sense, then I do not see any prejudice at all  
7 to the defendant. Since the threshold requirement under Rule  
8 702 is that the testimony be helpful to the jury, not  
9 essential, just helpful, and it is not unduly prejudicial, I  
10 think we are beyond the requirements of Rule 403.

11 Now, with regard to Daubert and the other  
12 requirements in Rule 702, I maintain the view I expressed  
13 yesterday that Dr. Vidino's modest opinion on this issue meets  
14 the requirements for expressing an opinion on a matter of  
15 social science. It is not physical science and I am not going  
16 to apply the same factors that I do on a Daubert motion  
17 involving physical science.

18 Daubert itself was very clear that its requirement  
19 of reliability cannot be answered by a checklist of factors.  
20 It provided some factors in the hard science context in  
21 Daubert, but those factors have little application to the  
22 social science context.

23 The witness's testimony established that the facts  
24 surrounding a person's joining terrorist groups is undertaken  
25 by hundreds of academic and various social science

Proceedings

1084

1 disciplines. They write on it and their work is  
2 peer-reviewed. The fact that there's no agreement on the  
3 precise contours of the term radicalization does not affect  
4 admissibility to me.

5 This witness has extensive experience with  
6 individuals who have joined his movement. He has interviewed  
7 dozens of them. He has a sound basis to conclude all that he  
8 is saying; which is there is no single profile. That is a  
9 very modest opinion based on the depth of his experience and  
10 knowledge so I am going to allow the testimony for those  
11 reasons.

12 Next, we have what I think we have come to call the  
13 Dratel materials. The Government delivered those to chambers  
14 last night and we looked at them and they are not  
15 discoverable. They are simply -- there is nothing in there  
16 that is material to the issues in this case.

17 I could do a classified order to explain why, but  
18 the defense would not see that either because it would  
19 disclose classified materials they are not allowed to see. I  
20 recognize the disadvantage this puts the defense in, but I  
21 just have no doubt that these documents, are not material to  
22 either cross-examining Mr. Kohlmann or to any other issue in  
23 this case.

24 As to why Mr. Dratel got them, I really do not know.  
25 I understand the Government's position that it was an

Proceedings

1085

1 abundance of caution by another prosecutor. Maybe the issues  
2 in that case were different. I do not know what that other  
3 prosecutor was thinking, but they are simply not discoverable  
4 here because they are not material.

5 That is the ruling on the two issues that we had.  
6 Anything else we need to take up?

7 MR. RUHNKE: No, Your Honor. It looks like  
8 Mr. Al Farekh just arrived. Just the issue of the classified  
9 filing by the Government last night. I don't know what the  
10 mechanism is for preserving that as part of the Appellate  
11 records, I don't know how that gets done, but we would like it  
12 preserved to be available, if necessary, for Appellate review.

13 THE COURT: I think it gets filed under seal, right?  
14 It gets filed ex parte in camera. You gave me a hard copy,  
15 but it gets filed under seal.

16 MS. KOMATIREDDY: Yes, Your Honor. We will also  
17 memorialize on the unclassified ECF docket that the filing was  
18 made last night so there is also a record on the docket that  
19 the file was made. We have kept a copy in our custody. The  
20 court retains its copy in its custody. In terms of the  
21 Appellate record if one exists, we will -- it will be part of  
22 the full record.

23 THE COURT: You think I need to do a classified  
24 order? I mean, I am not really reaching the issue of  
25 classification because my point is even if they were not

Proceedings

1086

1 classified they would not be discoverable. So I do not think  
2 I have to do that.

3 MR. RUHNKE: So long as the record reflects that you  
4 conducted the review that you just described, an oral order  
5 should certainly suffice.

6 MS. KOMATIREDDY: We agree, Your Honor.

7 THE COURT: All right. Anything else?

8 MR. TUCKER: So the Court knows, there will 2be one  
9 additional witness in addition to Dr. Vidino today. She will  
10 be a very brief linguist. We expect her testimony to be a few  
11 minutes. We are going to call Mr. Kohlmann on Monday with the  
12 remainder of the Government's case.

13 THE COURT: While we are talking, let me ask the  
14 defense, I would like to give the jury some indication of how  
15 long the trial is going to take, but I am not asking you to  
16 disclose anything you do not want to disclose.

17 Do you think I can tell them we will finish the case  
18 next week.

19 MR. RUHNKE: Absolutely.

20 MR. MAHER: Yes.

21 THE COURT: Okay. The jury is all present. Let's  
22 have the witness first and then the jury.

23 (Continued on the following page.)  
24  
25

Ahmedzay - cross - Ruhnke

1087

1 Z A R E I N A H M E D Z A Y,

2 called as a witness, having been previously duly  
3 sworn, was examined and testified as follows:

4 THE COURT: The witness is present, we're getting  
5 the jury.

6 (Jury enters.)

7 THE COURT: Everyone be seated. Good morning,  
8 ladies and gentlemen. We will begin cross-examination.

9 CROSS-EXAMINATION

10 BY MR. RUHNKE:

11 Q Good morning, sir.

12 A Good morning.

13 Q Part of your testimony yesterday had to do with the plea  
14 agreement that you've entered into with the prosecutors  
15 sitting at that table; correct?

16 A Yes.

17 Q And you told us yesterday that you could be sentenced, in  
18 your own mind, anywhere from time served up to life  
19 imprisonment; correct?

20 A Correct.

21 Q Obviously you want to be sentenced to time served;  
22 correct?

23 A That's what I hope.

24 Q But the prosecution has at least given you a broad hint  
25 that you'll likely be sentenced to six or seven years; isn't



Ahmedzay - cross - Ruhnke

1088

1 that correct?

2 A No.

3 Q Did you recently write a letter to Mr. Pravda sitting at  
4 counsel table?

5 A Yes.

6 MR. RUHNKE: Your Honor, may I have just the  
7 documents in camera and the witness.

8 THE COURT: Okay.

9 Q Putting that on the screen do you see that it on the  
10 screen?

11 A Yes, I do.

12 Q The document marked Defendant's Exhibit 9, is that the  
13 letter you recently wrote to Mr. Pravda?

14 A Yes, I did.

15 MR. RUHNKE: Your Honor, I offer D-9.

16 THE COURT: Any objection?

17 MR. PRAVDA: Objection, Your Honor. May we have a  
18 sidebar?

19 THE COURT: Okay.

20 (Sidebar held outside of the hearing of the jury.)

21 (Continued on next page.)

22

23

24

25

Sidebar

1089

1 (The following sidebar took place outside the  
2 hearing of the jury.)

3 MR. RUHNKE: I have an extra copy of the letter.

4 THE COURT: Thank you. What is the objection?

5 MR. PRAVDA: It's hearsay, Your Honor. The defense  
6 may certainly cross-examine him about the letter, but this is  
7 just an attempt to introduce a prior statement of the witness  
8 through the witness when they haven't satisfied any of the  
9 objections or exceptions to the hearsay requirement.

10 MR. RUHNKE: Your Honor, this is the witness's own  
11 statement, his own written statement signed by him reflecting  
12 his state of mind as to what his sentence is likely to be.  
13 It's the best possible evidence of what is going on in his  
14 mind.

15 It's not a hearsay document. He's here to explain  
16 why he said the things he said. He's not an out-of-court  
17 declarant. The declarant is sitting on the witness stand. I  
18 have a right to ask him about the prior statements he's made  
19 regarding the sentence he's expecting to receive.

20 THE COURT: It is an out-of-court declaration  
21 certainly. It is not given under oath so it does not fall  
22 under 801(d)(1)(A), but it seems to me you are only using it  
23 as impeachment; right?

24 MR. RUHNKE: I'm using it as impeachment because  
25 it's a physical document that I can use as impeachment.

Sidebar

1090

1 THE COURT: I agree with that, but then it does not  
2 get admitted into evidence.

3 MR. RUHNKE: It shows bias on the witness's part and  
4 expectation on the witness's part, the Sixth Amendment --

5 THE COURT: It does all of those things. He is  
6 looking right at the letter, didn't you say to the U.S.  
7 attorney that you had an agreement to get six or seven years.

8 MR. RUHNKE: And if I go through that, then the  
9 contents of the letter go into evidence.

10 THE COURT: If he says, yes, I said that, then you  
11 don't need the letter.

12 MR. RUHNKE: Okay. I do think I need the letter  
13 because it demonstrates what his state of mind was at the time  
14 he wrote the letter.

15 THE COURT: State of mind. Why is that relevant?

16 MR. RUHNKE: He testified he can receive anywhere  
17 from time served to life. He has said to the government and  
18 has said that to the jury. The plea agreement contains  
19 similar language. There's no promises, there's no  
20 representations. This letter contains his understanding and  
21 his expectation based upon conversations he's had with the  
22 Government that his sentence is likely to be in the six- to  
23 seven-year range.

24 THE COURT: Okay. I am going to allow it.

25 MR. PRAVDA: But the document remains hearsay.

Sidebar

1091

1 THE COURT: I think not because it is being offered  
2 to show that he thought he would have the opportunity to be  
3 released within six to seven years. It is not being offered  
4 to show that, in fact, he had the opportunity to be released  
5 in six to seven years. So I think it is offered for his state  
6 of mind and I will allow it.

7 MR. RUHNKE: Thank you.

8 (Sidebar concluded.)

9 (Continued on following page.)

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Ahmedzay - cross - Ruhnke

1092

1 (Continuing.)

2 THE COURT: All right the document is received.

3 (Defendant's Exhibit 9 received in evidence.)

4 MR. RUHNKE: May I publish it on the screen to the  
5 jury, Your Honor?

6 THE COURT: Yes.

7 BY MR. RUHNKE:

8 Q Now, do you see this document in front of you, sir?

9 A Yes.

10 Q And you see the Date of the document, July 13, 2017, a  
11 couple of months ago; right?

12 A Yes.

13 Q And you addressed it to Mr. Pravda, who's sitting at  
14 counsel table, and basically you're complaining in this letter  
15 about the fact that you're still sitting in jail and you've  
16 been in jail since 2010 and nothing seems to be happening; is  
17 that correct?

18 A Well, I was just --

19 Q Is that correct? Is that what you're complaining about;  
20 the fact that you haven't been sentenced?

21 A Sentenced, exactly.

22 Q And in the letter, do you complain about feelings of  
23 anxiety and depression that you're experiencing because of  
24 your situation?

25 A Yes.

Ahmedzay - cross - Ruhnke

1093

1 Q And in the letter you mention that your prison routine  
2 has not changed. So it's really not due to incarceration;  
3 correct?

4 A Correct.

5 Q Now, I'm going to ask you some questions about your  
6 prison routine. I am not asking you where you're  
7 incarcerated. I could care less where you're incarcerated,  
8 but I want to ask you about your prison conditions.

9 First, do you have a cell mate where you are?

10 A No.

11 Q Are you allowed out of your cell during the daytime?

12 A Yes.

13 Q How many hours a day are you allowed out of your cell?

14 A Most of the day.

15 Q Basically from about 6 in the morning to about 10 at  
16 night; correct?

17 A Yes.

18 Q There are times you have to return to your cell for what  
19 is called a count; correct?

20 A Correct.

21 Q You are allowed to go to recreation outside?

22 A Yes.

23 Q What kind of recreation are you allowed?

24 A Just basic, you know, sports.

25 Q Is there soccer available?

Ahmedzay - cross - Ruhnke

1094

1 A Yeah.

2 Q Is there basketball available?

3 A Yes.

4 Q You're allowed to walk around an area called the yard and  
5 get exercise that way; correct?

6 A Yes.

7 Q Are you allowed to socialize with other inmates, other  
8 people who are in the same place as you are?

9 A Yes.

10 Q Are you allowed to have visits from your family?

11 A Correct.

12 Q Do you have a television in your cell?

13 A Yes.

14 Q And how many channels does your television have?

15 A It has a lot.

16 Q Cable?

17 A Yes.

18 Q Sports package?

19 A Some.

20 Q Yes?

21 A Yes.

22 Q You're allowed to buy commissary items; right?

23 A Correct.

24 Q And commissary items are things above and beyond what the  
25 Bureau of Prisons feeds you. You're entitled to three meals a

Ahmedzay - cross - Ruhnke

1095

1 day and you get three meals a day; right?

2 A Yes.

3 Q But you also have the opportunity to supplement that so  
4 you can buy extra food, extra snacks, candy, that kind of  
5 thing; correct?

6 A Yes.

7 Q And actually the Government gives you \$100 a month to do  
8 that; right?

9 A Correct.

10 Q And they've been giving you \$100 a month for a long time;  
11 right?

12 A Yes.

13 Q Yes?

14 A Correct.

15 Q You have an opportunity to make what are called social  
16 calls to family and friends?

17 A Yes.

18 Q About 300 minutes a month?

19 A Yes.

20 Q You have to pay for those calls; right?

21 A Correct.

22 Q And they're monitored and recorded; correct?

23 A Yes.

24 Q And each one of them lasts 15 minutes before it cuts off  
25 automatically; correct?



Ahmedzay - cross - Ruhnke

1096

1 A Yes.

2 Q But you're entitled to what amounts to five hours worth  
3 of conversation with your family members every month?

4 A Yeah.

5 Q So you're not really complaining about your prison  
6 conditions other than you're not at liberty; correct?

7 A I mean, there's a lot of things about prison that, you  
8 know --

9 Q But you're not -- when you wrote this letter you weren't  
10 motivated by the fact that they're holding you under extremely  
11 harsh conditions, right?

12 A The stress is mainly from not knowing the future.

13 Q What's going to happen to you.

14 A Yes.

15 Q Among the things that the Government also promised to you  
16 as part of their plea bargain was that you wouldn't have to go  
17 to a maximum security prison upon your being sentenced;  
18 correct?

19 A Yes.

20 Q In particular, you were promised that you would never  
21 wind up at what's called ADX the administrative maximum  
22 facility in Florence, Colorado; correct?

23 A Correct.

24 Q It's sometimes called the Supermax. It's sometimes  
25 called the Alcatraz of the Rockies. You've heard those

Ahmedzay - cross - Ruhnke

1097

1 phrases?

2 A Yes.

3 Q And you know that if you were to go to what's known as  
4 the terrorism unit, H unit, at ADX, you'd be confined 22 or 23  
5 hours a day; correct?

6 A Yes.

7 Q You'd have a toilet, a shower and you'd be in the cell  
8 all day long; correct?

9 A Correct.

10 Q You wouldn't have the opportunity to go to recreation  
11 outside; right?

12 A Yes.

13 Q You wouldn't have the opportunity to socialize with other  
14 inmates; correct?

15 A Yes.

16 Q ADX being the most maximum secure prison within the  
17 United States prison system, federal prison system; correct?

18 A I guess.

19 Q So you've been promised don't worry about that, you don't  
20 have to go there; right?

21 A Yes.

22 Q In the letter that you wrote that's D-1 in evidence, you  
23 talk about it's now your eighth year and you're beginning to  
24 have doubts about being brought before a judge for sentencing.

25 What did you mean by that? Did you mean that people

Ahmedzay - cross - Ruhnke

1098

1 keep promising you that you'll be sentenced and it's not  
2 happening? Is that what you meant?

3 A Basically, yeah, the sentencing part.

4 Q Okay. And in the letter you say before you signed your  
5 plea agreement with AUSA Jeffrey Knox, "He indicated to me  
6 that I would have the opportunity to be released within six to  
7 seven years." Right? You said that; correct?

8 A I said that in the letter.

9 Q You said that; correct?

10 A Yes, yes.

11 Q And is that the truth? Did you lie in the letter?

12 A The opportunity, sir, just to be sentenced. So if I'm  
13 sentenced and the judge gives me, you know, time served then  
14 obviously it will be at six or seven years.

15 Q Okay, but my question is kind of different from that.  
16 I'm asking did AUSA Jeffrey Knox, who's not part of this  
17 prosecution team at all, basically hint to you in broad terms  
18 you're going to be released in six or seven years, don't worry  
19 about it?

20 A Not true.

21 Q Did he relate a case to you where somebody who cooperated  
22 with the Government previously had gotten that six or  
23 seven-year sentence?

24 A Correct.

25 Q Did you take away from that that, hey, you were getting

Ahmedzay - cross - Ruhnke

1099

1 released in six to seven years?

2 A Yes, I thought I would have the hope.

3 Q And in the letter did you complain or make statements  
4 about being passed along from AUSA -- AUSA stands for  
5 assistant United States attorney. You understand that;  
6 correct?

7 A Yes.

8 Q That you were passed along, "each of whom have used me  
9 for his or her needs before passing me on to the next  
10 prosecutor."

11 You wrote those words; correct?

12 A Yes, I did.

13 Q And as you close the letter, you are pointing out that  
14 you've upheld your end of the deal; right?

15 A Correct.

16 Q You've met with agents and prosecutors hundreds of times;  
17 right?

18 A Yes.

19 Q You've testified at two different trials and lo and  
20 behold they both ended up being convictions; right?

21 A Yes.

22 Q Do you know whether the convictions were because of or in  
23 spite of your testimony? Do you have any way of knowing that?

24 A No.

25 Q And you close the letter saying I look forward to hearing

Ahmedzay - cross - Ruhnke

1100

1 from you; correct?

2 A Yes.

3 Q So, as you sit here today, you believe you've done enough  
4 time for your crime?

5 A It's up to the Judge, not me.

6 Q I'm not asking the judge thinks. I'm asking what do you  
7 think? Do you think you should be released?

8 A I'm not going to -- I can't really --

9 Q I'm sorry?

10 A I hope that I will be released, but I can't really say --

11 Q You think you're ready to return to United States  
12 society?

13 A Yes.

14 Q How old are you now?

15 A 32.

16 Q How old were you when this whole thing started going in  
17 about 2006?

18 A I was 21 years old.

19 Q We've heard testimony about what I'll call the subway  
20 plot which is a plan to explode suicide bombs on New York City  
21 subways; correct?

22 A Correct.

23 Q There are three of you that were going to do that;  
24 correct?

25 A Yes.

Ahmedzay - cross - Ruhnke

1101

1 Q Were you all three going to be in three different subway  
2 cars?

3 A Yes.

4 Q And then comes along 2009 and your friend Mr. Zazi from  
5 your neighborhood in Queens had, by that point, relocated to  
6 Colorado; correct?

7 A Yes.

8 Q He was working as a shuttle driver for Denver  
9 International Airport, airport shuttle?

10 A Yes.

11 Q But the plan is being put in motion while he is in  
12 Colorado; correct?

13 A Yes.

14 Q He is acquiring chemicals that are needed to construct a  
15 bomb; correct?

16 A Yes.

17 Q One of those chemicals is something called acetone?

18 A Correct.

19 Q And actually acetone is the main ingredient in nail  
20 polish remover; right?

21 A Yes.

22 Q In fact, he took you to a pharmacy at some point to show  
23 you the nail polish remover. If you bought enough nail polish  
24 remover you can assemble enough acetone to make a bomb; right?

25 A Supermarket.

Ahmedzay - cross - Ruhnke

1102

1 Q I'm sorry?

2 A Supermarket.

3 Q And he has some of those chemicals in his car when he is  
4 stopped at the George Washington bridge, doesn't he?

5 A Yes.

6 Q The police search his car but they don't find anything,  
7 right?

8 A Correct.

9 Q Or they don't recognize whatever he is carrying as posing  
10 any kind of danger; right?

11 A Correct.

12 Q But now you're concerned. You're concerned. Zazi is  
13 concerned and your third party, his first name is Adis. He's  
14 also concerned; correct?

15 A Correct.

16 Q How do you pronounce Adis's last name?

17 A Medunjanin.

18 Q So at that point you decide to end the plot; correct?

19 A Correct.

20 Q And try to kind of obstruct justice and work your way out  
21 of the system, out of this problem; right?

22 A Correct.

23 Q Plan A was to dispose of certain incriminating evidence;  
24 correct?

25 A Yes.

Ahmedzay - cross - Ruhnke

1103

1 Q The chemicals were dumped out, flushed down a toilet,  
2 actually, at the Islamic center; is that correct?

3 A Yes.

4 Q And then you went to your computer and deleted what you  
5 considered to be incriminating files; correct?

6 A Yes.

7 Q Did you have, for example, sermons by Anwar al-Alwaki on  
8 your laptop?

9 A Yes.

10 Q These were sermons and lectures that you downloaded,  
11 basically, from the internet that were really easy to get;  
12 correct?

13 A Correct.

14 Q They weren't free, you had to pay for them, but they were  
15 there if anyone wanted to pay the money for them?

16 A Some of them were free.

17 Q Some of them were on YouTube and other wide-open sources  
18 that anyone could download; correct?

19 A Correct.

20 Q In fact, today if I wanted to go download some of Anwar  
21 al-Alwaki's lectures, I would just go Google his name and I'd  
22 probably come across a dozen -- a hundred different lectures  
23 and sermons; correct?

24 A I don't know that.

25 Q Plan A was to dispose of incriminating evidence. And



Ahmedzay - cross - Ruhnke

1104

1 plan B was to try to lie your way out of it; right?

2 A Yes.

3 Q Now, you had a choice at that point. When the FBI  
4 approached you, you could have said I don't want to talk to  
5 you; correct?

6 A Correct.

7 Q But instead you decided to talk to them and basically  
8 decided to lie your way out of the situation; right?

9 A Yes.

10 Q And it didn't work, did it?

11 A No.

12 Q You met with them twice. You lied to them at length  
13 twice and eventually you got charged with lying to the FBI;  
14 right?

15 A Yes.

16 Q And then things took a turn for the worse and you got  
17 charged with conspiracy to provide material aid to a foreign  
18 terrorist organization, conspiracy to construct and utilize  
19 weapons of mass destruction, and the other charges that you  
20 were indicted for; correct?

21 A Yes.

22 Q And at that point you went to plan C which was to  
23 cooperate with the Government; correct?

24 A Yes.

25 Q And, as you sit here today, you look at the letter where

Ahmedzay - cross - Ruhnke

1105

1 the assistant United States attorney at least discussed with  
2 you the question of being released in six or seven years;  
3 correct?

4 A Yes.

5 Q And you sit there hoping that you're going to be released  
6 in that six- or seven-year time frame; correct?

7 A Yes.

8 Q And you think you have been rehabilitated and you are  
9 ready to join the rest of us, ride the subways and rejoin  
10 American society; correct?

11 A Yes.

12 Q And you've engaged in other acts; dishonesty, deceit and  
13 cheating; right?

14 A Some, right.

15 Q Right.

16 A Yes.

17 (Continued on next page.)

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Ahmedzay - cross - Ruhnke

1106

1 BY MR. RUHNKE: (Continuing)

2 Q Tax evasion?

3 A Yes.

4 Q When you reported your income tax, you cheated the  
5 government by not recording how much money you actually  
6 earned, right?

7 A Correct.

8 Q Are you being prosecuted for that?

9 A No.

10 Q Student loan fraud?

11 A Yes.

12 Q You went to college and you wanted to borrow money and  
13 there's certain income requirements. You lied about how much  
14 income you actually had, correct?

15 A Yes.

16 Q Health care fraud?

17 A Yes.

18 Q You wanted to apply for Medicaid benefits and you lied  
19 about your qualifications for Medicaid, correct?

20 A Yes.

21 Q Prosecuted for any of that?

22 A No, sir.

23 Q How long were you in Pakistan and Afghanistan all told?

24 When did you leave -- when did you arrive in  
25 Peshawar and when did you leave to go visit your, visit your

Ahmedzay - cross - Ruhnke

1107

1 wife and then return to Peshawar, how much time?

2 A Two, three months.

3 Q How long?

4 A About two, three months.

5 Q Okay. So, you arrived at Peshawar. How long before you

6 meet with people in Waziristan, your arriving to meeting

7 people in Waziristan?

8 A It was the same one, a couple of weeks.

9 Q You went to the training compound in Waziristan in the  
10 town of Miran Shah, correct?

11 A Yes.

12 Q Just so it's clear to everybody, Waziristan is part of  
13 Pakistan, correct?

14 A Correct.

15 Q There is an area of Pakistan which is called the Federal  
16 Administrative Tribal Areas because they're basically governed  
17 by tribes that have existed for centuries in that area of the  
18 world, correct?

19 A Yes.

20 Q And you met -- when you arrived at this training compound  
21 in Waziristan, over the course of days, you met three leaders,  
22 three high-ranking officials that appeared to be leaders in  
23 al-Qaeda, correct?

24 A Yes.

25 Q One of them was a man named Abdul Hafeez, correct?

Ahmedzay - cross - Ruhnke

1108

1 A Yes.

2 Q He's the guy you described yesterday as dressed all in  
3 white, had a driver, had some fancy electronics and appeared  
4 very much to be somebody who was in charge of things, correct?

5 A Right.

6 Q You met the man known as Ibrahim, correct?

7 A Yes.

8 Q He was somebody who, again, seemed to be in charge of  
9 things, in a leadership role, correct?

10 A Yes.

11 Q You met a man you only knew as Hamad, correct?

12 A Yes.

13 Q Now, he seemed to be basically in charge of al-Qaeda for  
14 that whole region of the world; that was your impression,  
15 correct?

16 A No.

17 Q He seemed to be in charge of the whole operation, is that  
18 correct?

19 A He was one of the people in charge. That's what I knew.

20 Q He was the man who told you he had been in Afghanistan  
21 since the United States invaded Afghanistan in December of  
22 2001, correct?

23 A Yes.

24 Q But all three of these people seemed to occupy serious  
25 leadership positions, correct?

Ahmedzay - cross - Ruhnke

1109

1 A Yes.

2 Q You later learned that Ibrahim was what's called a  
3 director of external operations for al-Qaeda, correct?

4 A Yes.

5 Q He was killed in a drone strike, right?

6 A Yes.

7 Q Awlaki was killed in a drone strike as well, correct?

8 A Yes.

9 Q Do you know that?

10 A From the news, that's what I've heard, yes.

11 Q That Awlaki was killed in a drone strike?

12 I'm not hearing your answer. Did you say yes, you  
13 heard that?

14 A I was locked up. I heard it.

15 Q I'm asking if you heard that.

16 THE COURT: He said he heard it in the news.

17 MR. RUHNKE: Okay. I didn't hear that answer.

18 Q Now, it was clear when you arrived at the compound that  
19 although you wanted to go to Afghanistan to join the fight and  
20 so did your two friends, that the leadership had different  
21 plans for you, is that correct?

22 A Yes.

23 Q Your plan would have been to go to Afghanistan and, if  
24 necessary, kill American soldiers as part of the plan,  
25 correct?

Ahmedzay - cross - Ruhnke

1110

1 A Yes.

2 Q But when you got there, you were told basically because  
3 you had access to the West, U.S. passports, there was much  
4 more valuable things you could do, correct?

5 A Yes.

6 Q You were told by both Hafeez, Abdul Hafeez, the man in  
7 white, and told by Ibrahim that al-Qaeda had thousands of  
8 fighters from all over the world they could put in to the  
9 fight in Afghanistan, correct?

10 A Yes.

11 Q And that you three would just be three more, right?

12 A Correct.

13 Q But that if you could carry out an attack on the West,  
14 then that would be a much more valuable thing for you to do?

15 A Yes.

16 Q And you had a discussion with this gentleman Hamad about  
17 what the goals were of an attack on the West, correct?

18 A Yes.

19 Q The goals were having mass casualties, correct?

20 A Yes.

21 Q And because you were from New York City and you knew  
22 about landmarks and New York City areas and Hamad was not, he  
23 asked you, Are there places in New York City where we can do  
24 that kind of thing, correct?

25 A Yes.

Ahmedzay - cross - Ruhnke

1111

1 Q And you called upon your knowledge and said, Well, we  
2 could do it in Times Square, we can do it in Grand Central  
3 Terminal, we could do it at the Stock Exchange, we can do it  
4 on the subways; you were being helpful in suggesting where  
5 these mass casualties against civilians can be inflicted,  
6 correct?

7 A Yes.

8 Q Did you describe this as a glorious act?

9 A Yes.

10 Q How many conversations and how many times did Hafeez,  
11 Ibrahim and Hamad urge you to carry out this attack? Was it  
12 once, twice, five times? Was this a lot of times?

13 A It was multiple times.

14 Q Now, you ultimately pleaded guilty to these crimes,  
15 correct?

16 A Yes.

17 Q And in the course of the guilty plea, did you advise the,  
18 make a statement that you wanted to advise the United States  
19 to stop fighting Islam?

20 A Yes.

21 Q Did you make a statement that the real problem was the  
22 Zionist Jews who were running a shadow government in the  
23 United States?

24 A Yes.

25 Q At the time 9/11 happened and in the years following



Ahmedzay - cross - Ruhnke

1112

1 9/11, and I'm referring to the attacks on the World Trade  
2 Center, the attacks on Washington, D.C. and the attacks  
3 resulting in a plane being downed in Pennsylvania, did you  
4 believe al-Qaeda had carried out these attacks?

5 A No.

6 Q Did you believe that it was a conspiracy among Jews for  
7 having waged a war against Islam?

8 A Like an inside job. That's what I thought.

9 Q You thought this was staged by the American government as  
10 an excuse for waging war on Islam, correct?

11 A Yes.

12 Q I had asked you earlier about a man, a man named Hamad  
13 and what his role or position was and you said he was just one  
14 of the leaders, correct?

15 A Yes.

16 Q Do you remember testifying in a deposition that was  
17 actually given to officials from Norway about that issue?

18 A Yes.

19 Q And do you remember asking, being asked and answered  
20 these following questions? And I'm at ZA38, and it's page 562  
21 of the 3500 material.

22 Question: Who did you talk to about that specific  
23 topic? Referring to the suicide bombing.

24 Answer: A man named Hamad.

25 Question: Hamad. What was his role or position in

Ahmedzay - cross - Ruhnke

1113

1 the camp?

2 Answer: He was the one in charge of the whole  
3 operation.

4 Question: By the whole operation, what do you mean  
5 by that?

6 Answer: He was introduced by Abdul Hafeez as the  
7 leader of al Qaeda and we also talked to him about the  
8 specifics of the mission, the suicide mission.

9 Do you remember giving those answers in the past  
10 under oath?

11 A Yes.

12 Q And are those true answers?

13 A Yes.

14 Q When the plan -- as the plan grew, and I'm talking about  
15 the plan to bomb the subway cars after you returned to the  
16 United States, you settled on the idea of the subway system,  
17 correct?

18 A Yes.

19 Q Had you settled on any particular line?

20 A No.

21 Q But you had settled that rush hour would be the best time  
22 to do it, right?

23 A Right.

24 Q Because that's the time that you would kill most people,  
25 right?

Ahmedzay - cross - Ruhnke

1114

1 A Right.

2 Q And you were prepared -- but for police intervention, if  
3 the police hadn't intervened, you were going ahead with this,  
4 weren't you?

5 A Excuse me?

6 Q If the police had not intervened, the plan was to go  
7 ahead with this, correct?

8 A Yes.

9 Q And innocent people would have died?

10 A Yes.

11 Q Men, women, children?

12 A Possibly.

13 Q Babies?

14 A I don't know.

15 Q Well, if there was a baby in the subway car, would the  
16 baby have survived?

17 A I might have changed my mind. I don't know.

18 Q Are children okay but not babies?

19 A Same, same with children. I can't really say for a fact.

20 Q So you can't rethink what you would have done in the  
21 moment, but you were prepared to walk on to the subway car,  
22 yell out, you know, "Allahu Akbar, God is great," and push a  
23 button and blow yourself to bits and blow everybody within  
24 range of that explosive device, to maim, injure, blind, kill,  
25 whatever it took, correct?

Ahmedzay - redirect - Pravda

1115

1 A Yes.

2 Q And you quit only because the plot was uncovered,  
3 correct?

4 A Yes.

5 Q You want the government to go to bat for you, so to  
6 speak, in this case because of what you've done, correct?

7 A Yes.

8 Q And as you said before, you think you're just ready to  
9 come out of jail?

10 A Yes.

11 MR. RUHNKE: Nothing further, Your Honor.

12 THE COURT: All right. Any redirect?

13 MR. PRAVDA: Brief redirect, Your Honor.

14 REDIRECT EXAMINATION

15 BY MR. PRAVDA:

16 Q Good morning, Mr. Ahmedzay.

17 A Good morning.

18 Q Sir, you were asked some questions by Mr. Ruhnke about  
19 your conditions of confinement. Do you recall that?

20 A Yes.

21 Q Are you at liberty to roam around the U.S.?

22 A Excuse me?

23 Q Are you at liberty to roam around the United States?

24 A No.

25 Q Can you come and go anywhere that you please?

Ahmedzay - redirect - Pravda

1116

1 A No.

2 Q You're locked up in a cell, right?

3 A Yes.

4 Q Are you happy being confined under those conditions?

5 A No, I'm not.

6 Q You were asked whether you're hoping for a sentence of  
7 time served. Do you recall that?

8 A Yes.

9 Q And you said you were, right?

10 A Yes.

11 Q Sir, you don't want to be sentenced to a long time in  
12 custody, right?

13 A No.

14 Q But you don't know what sentence the judge is going to  
15 give you, right?

16 A Correct.

17 Q It's entirely up to the judge?

18 A Correct.

19 Q You were asked questions about receiving \$100 a month for  
20 for your commissary. Do you recall that?

21 A Yes.

22 Q What do you buy with that \$100 a month?

23 A I use it for commissary items, food stuff, telephone,  
24 hygiene products.

25 Q And what's your understanding of why the government

Ahmedzay - redirect - Pravda

1117

1 provides you with that money?

2 A Well, I'm in a WITSEC program so a lot of my contacts, I  
3 don't have contacts with a lot of people, so I kind of need  
4 the assistance.

5 Q Are your contacts with people on the outside of your  
6 facility limited?

7 A Correct.

8 Q Are there limits on the ability of family members, for  
9 example, or other individuals to put money in your commissary  
10 account?

11 A Yes.

12 Q Now, Mr. Ahmedzay, you were asked questions about acts of  
13 dishonesty, acts of student loan fraud, health care fraud, do  
14 you remember that?

15 A Yes.

16 Q And all of those arise out of the same thing, right?

17 A Correct.

18 Q And can you tell us what the circumstances are?

19 A Well, working as a part-time taxi driver, I didn't -- I  
20 got a lot of cash so I didn't report it, I didn't report all  
21 the income. So, translate to the tax forms, the Medicare, and  
22 the, whatever else it was.

23 Q So when you filled out tax forms and you filled out  
24 health care forms and you filled out student loan forms, you  
25 didn't report some of the income that you received as a taxi

Ahmedzay - redirect - Pravda

1118

1 driver?

2 A Correct.

3 Q Is that something that the government was aware of or is  
4 that something that you told the government when you began  
5 cooperating?

6 A I told them that.

7 Q Mr. Ahmedzay, you were asked some questions about your  
8 trip to Pakistan. Do you recall that?

9 A Yes.

10 Q When you left for Pakistan, did you tell family members  
11 that you were going to Pakistan?

12 A Yes.

13 Q And did you continue to be in touch with family members  
14 while you were in Pakistan?

15 A Yes.

16 Q And you didn't just drop off the face of the earth, did  
17 you?

18 A No.

19 Q Now, Mr. Ahmedzay, you were asked questions about a  
20 letter that you wrote in July 2017. Do you recall that?

21 A Yes.

22 Q And you mentioned an individual named Jeffrey Knox?

23 A Yes.

24 Q Who is Jeffrey Knox?

25 A He is one of the prosecutors.

Ahmedzay - redirect - Pravda

1119

1 Q For your case, right?

2 A Yes.

3 Q And when was the last time you saw Jeffrey Knox?

4 A It's been a while.

5 Q You haven't seen him since before 2011, have you?

6 A He has been -- it's been at least six years.

7 Q Did Jeffrey Knox make any promises to you?

8 A No.

9 Q Did he tell you that you would be released from custody  
10 in six to seven years?

11 A No.

12 Q Did he just tell you that you might have the opportunity  
13 to be sentenced in six to seven years?

14 A Correct.

15 Q Did he ever ask you to testify in this trial against this  
16 defendant?

17 A No.

18 Q Now, when you sent this letter to the government, did the  
19 government come and speak with you in response to this letter?

20 A Excuse me? Can you repeat it?

21 Q When you sent this letter to the government, did anyone  
22 from the government come and speak to you in response to this  
23 letter?

24 A Yes.

25 Q And did the government promise you anything in response



Ahmedzay - redirect - Pravda

1120

1 to this letter?

2 A No.

3 MR. RUHNKE: Your Honor, I'm going to object to any  
4 hearsay.

5 THE COURT: Overruled.

6 Q So, to be clear, the government did not make any promises  
7 to you in response to this letter?

8 A Correct.

9 Q Has the government ever promised you when you will be  
10 sentenced?

11 A No.

12 Q Had the government ever promised you what sentence you  
13 will receive?

14 A No.

15 Q And, finally, Mr. Ahmedzay, as you sit here today, do you  
16 still believe in jihad?

17 A No.

18 Q Do you still want to harm the United States?

19 A Absolutely not.

20 MR. PRAVDA: No further questions.

21 MR. RUHNKE: No recross, Your Honor.

22 (Continued on next page.)

23

24

25

1 THE COURT: We just need to rearrange the courtroom,  
2 ladies and gentlemen. Give us five minutes. We will be right  
3 back to you. Please do not talk about the case. See you in  
4 five minutes.

5 (Jury exits.)

6 THE COURT: All right. We will reconvene in five  
7 minutes. The government will have its next witness ready.

8 (Recess taken.)

9 (In open court; outside the presence of the jury.)

10 THE COURT: The defendant has entered. Let's have  
11 the jury, please.

12 (Jury enters.)

13 THE COURT: All right. Be seated, please. The  
14 government's next witness.

15 MS. COOK: Thank you, Your Honor. The government  
16 calls Dr. Lorenzo Vidino.

17 THE CLERK: Please raise your right hand.

18 (Witness sworn.)

19 THE CLERK: Please state and spell your name for the  
20 record.

21 THE WITNESS: Sure. Lorenzo Vidino, L-O-R-E-N-Z-O,  
22 V-I-D-I-N-O.

23 THE COURT: All right. You may inquire.

24 MS. COOK: Thank you, Your Honor.

25 (Continued on next page.)

1 L O R E N Z O V I D I N O,

2 called by the Government, having been

3 first duly sworn, was examined and testified

4 as follows:

5 DIRECT EXAMINATION

6 BY MS. COOK:

7 Q Good morning.

8 A Good morning.

9 Q Will you please tell the jury how you are currently  
10 employed?

11 A I'm the director of the program of extremism at  
12 Georgetown University.

13 Q What does the program on extremism do?

14 A The program researches cases and trends related to  
15 terrorism, mostly about jihadist terrorism in the United  
16 States and the West.

17 Q Do you draw from any particular resources for your  
18 research?

19 A We try to draw from as many sources as possible. We rely  
20 on primary sources, we rely on interviewing individuals who  
21 are involved in cases, suspects in cases. We rely a lot on  
22 government documents. We try to rely on media reporting. We  
23 try to rely on individuals who are familiar with cases and  
24 trends. So we try to get as broad an understanding as  
25 possible of terrorism and extremism issues.

1123

1 Q Do you also rely on, when possible, documents released by  
2 the government?

3 A Yes, but when, when available, it's one of the best  
4 sources.

5 Q Do you also, as part of the program, make any effort to  
6 review or monitor websites that contain information put out by  
7 extremist groups?

8 A Yes. We have a small team inside the program devoted to  
9 monitoring online activities, mostly social media, Facebook  
10 and Twitter, looking at what individuals who sympathize with  
11 al-Qaeda or ISIS say or interact with one another. There's  
12 multiple, four, five people working on it, 24/7.

13 Q When was the program on extremism founded?

14 A In June 2015.

15 Q And who founded it?

16 A I did.

17 Q Are there any particular agencies or organizations that  
18 utilize the work done by the program?

19 A Yes. We work with a lot of government agencies within  
20 the U.S. For example, the reports that we have published over  
21 those last few years have been utilized as a foundation for  
22 several hearings before the House of Representatives or the  
23 Senate. The material we have put out is used in, for training  
24 by the FBI, by the Department of Justice, by the Department of  
25 Homeland Security, by the Pentagon, and we provide briefings,

1 workshops and these sort of things for a lot of government  
2 agencies in the United States and abroad.

3 Q Does the program ever work with the United States  
4 Department of State?

5 A Yes, we do, we work very frequently with them. We  
6 mostly -- we do some research for them, but most of the work  
7 with them is hosting delegations from foreign countries,  
8 individuals the State Department invites over to the United  
9 States, sort of outreach, and they often come to us or we are  
10 invited to talk to them.

11 Q And when you work with the Department of State, do you  
12 provide education on the topics of extremism and  
13 radicalization?

14 A Yes, those are the topics in which we engage with the  
15 delegations.

16 Q So, the reports that you mentioned that are published by  
17 the program, do those reports contain the analysis and the  
18 trends that you and your colleagues at the program observe  
19 about terrorism and radicalization?

20 A Yes.

21 Q And is that information consumed by policy makers?

22 A Very frequently. As I said, we brief on a regular basis  
23 policy makers, members of Congress. We are invited to  
24 testify, between me and my staffers, on a monthly basis, I  
25 would say, for the U.S. Congress and in other cases. The very

1 reports we put out were basically the foundation for entire  
2 hearings before various committees of the House of  
3 Representatives. So it's a very common occurrence.

4 Q And would the purpose of that reporting of information be  
5 to inform policy makers as they make decisions about terrorism  
6 and counter-radicalization?

7 A Correct. We seek to provide fact-based nonpartisan  
8 analysis that informs decision-making processes.

9 Q Are you also the director of the terrorism program at the  
10 Institute For International Studies in Milan, Italy?

11 A As of September 1, 2017, yes, brand new.

12 Q And is the work done there similar to the work that you  
13 do at the program on extremism in Washington, D.C.?

14 A It's basically identical but we just focus more on Italy  
15 and foreign countries, but it's the same approach.

16 Q Dr. Vidino, what is your field of expertise?

17 A Terrorism and radicalization.

18 Q And how long have you studied those topics?

19 A Seventeen years.

20 Q And just to clarify it for the jury, when we say  
21 terrorism, is that mostly related to Islamistic extremism?

22 A Yes.

23 Q And do you focus on any particular area of the world?

24 A I focus mostly on the West, North American and Europe.

25 Q Would you describe for the jury your educational

1 background?

2 A Sure. I have a law degree from the University of Milan,  
3 Italy. You can pick up my accent. And then I have a Master's  
4 and a Ph.D. from the Fletcher School of Law in diplomacy at  
5 Tufts University up in Boston.

6 Q What was the focus of your Master's degree?

7 A The focus of the Master's degree was on security studies,  
8 international security studies, and Middle Eastern affairs.

9 Q Could you please tell the jury a little bit about what  
10 international security studies is?

11 A Sure. It's the discipline that studies conflicts and the  
12 use of violence by states and non-state actors.

13 Q You mentioned that your degree also focused on the Middle  
14 East. Did that include Islamic civilization?

15 A Yes, that's the main area of study when we do the Middle  
16 Eastern studies. It's the history and culture of Middle  
17 Eastern countries.

18 Q Did you write a thesis for your Master's degree?

19 A I did.

20 Q What was the topic?

21 A It was on a group, sort of a homegrown cluster of  
22 radicals in the Netherlands back in 2004. One of them killed  
23 a Dutch filmmaker that made a movie that was considered  
24 offensive to Islam and the reason why I felt the cluster was  
25 interesting was because it was one of the very first cases in

1 a Western setting of individuals who radicalized, carried out  
2 an act of terrorism but had no direct connections to al-Qaeda  
3 or groups. It was a homegrown independent radical network.

4 Q Was that thesis later published?

5 A Yes, it was.

6 Q You mentioned that you obtained a Ph.D. as well?

7 A Correct.

8 Q And is it correct that that focused on security studies  
9 in the Middle East also?

10 A Yes, correct.

11 Q Did you write a dissertation for your Ph.D.?

12 A I did.

13 Q And what was the topic about the dissertation?

14 A It was about the Muslim brotherhood in the West.

15 Q Was that also published?

16 A Yes, it was.

17 Q Dr. Vidino, have you ever worked for any groups or  
18 organizations that focus on research in the counterterrorism  
19 area?

20 A Yes, I have.

21 Q Have you done any fellowships?

22 A Yes, I have.

23 Q Could you briefly describe when and where you did your  
24 fellowships?

25 A I did a fellowship at the Jefferson Center for Terrorism



1 Studies at Fletcher School as I was getting my Master's. Then  
2 I was a fellow in the Fletcher School as I was getting my  
3 Ph.D. there. Then as I was finishing my doctorate, I took  
4 fellowship from Harvard University, from Kennedy School and  
5 one from the United States Institute of Peace in Washington,  
6 D.C. And then I did my post-doctoral fellowship at the Rand  
7 Corporation in Virginia, Arlington, Virginia.

8 Q Is that Rand, R-A-N-D?

9 A Correct.

10 Q As part of your fellowships, did you teach?

11 A Yes, I did.

12 Q What subjects did you teach?

13 A Terrorism studies.

14 Q Did your curriculum include al-Qaeda?

15 A Most of it did, basically because that's my expertise and  
16 because specially around the time when I was teaching, I  
17 started teaching in 2007, 2008, 2009, that's obviously when we  
18 were doing jihadist terrorism, that was the main topic.

19 Q You mentioned you worked at Rand for a time?

20 A I did.

21 Q After you finished your work at Rand, did you do any work  
22 in Europe for extremism?

23 A Yes. I was hired by the Swiss Federal Polytechnic in  
24 Zurich and I worked there for three years working, again, on  
25 terrorism related issues, more the European side, still

1 looking at the U.S. but more focused on Europe.

2 Q During your time there, did you write a report?

3 A Yes, I wrote a few. The main one was I -- I did one for  
4 the Swiss government on radicalization in Switzerland.

5 Q Was that the first report of that kind done in  
6 Switzerland?

7 A Yes, it was.

8 Q You mentioned that you published a thesis and a  
9 dissertation. Have you published any other books?

10 A I have. Between authored and edited, I published seven  
11 books.

12 Q Have you authored a book called "al-Qaeda in Europe"?

13 A Yes, I have, back in 2005.

14 Q Can you tell us a little bit about the focus of "al-Qaeda  
15 in Europe"?

16 A Well, the book basically -- it was one of the very first  
17 books that came out on the subject, traces sort of the history  
18 of jihadist networks, most of which are linked to al-Qaeda in  
19 Europe and I looked at basically all Western European  
20 countries so, starting in the early '90s all the way up to  
21 2005, different networks. I basically also tried to  
22 extrapolate certain trends, how Al-Qaeda in Europe formed its  
23 first clusters, how involved before and after 9/11.

24 Q In order to author that book, were you required to  
25 research al-Qaeda and come to an understanding of how the

1 organization came into being and how it operated?

2 A Yes, of course, because even though the focus is on  
3 Europe, you have to understand how the organization, the  
4 center, the core of the organization in eastern, Southeast  
5 Asia works, you have to understand how the branches and  
6 offshoots in Europe operate. The two things are very  
7 interconnected.

8 Q And as part of working on that book, did you also look  
9 into how al-Qaeda recruits and puts out propaganda?

10 A Yes, one of the main focuses.

11 Q How did you gather the material for that book?

12 A In different ways. I did a lot of field work which meant  
13 traveling to several European countries and beyond to gather  
14 information which meant interviewing suspects, interviewing  
15 law enforcement intelligence officials, interviewing  
16 journalists, all sort of people who had, for different  
17 reasons, knowledge of certain cases, of certain trends, and  
18 then a lot of the work is also working on documents, obtaining  
19 different kinds of documents, in many cases by governments, in  
20 other cases it would propaganda written by jihadist groups, by  
21 al-Qaeda, by individuals linked to it, and sort of put it all  
22 together, and research and looked at media reporting and so  
23 on, to contextualize certain things, putting it all together.

24 Q Now, you mentioned that you traveled to many countries in  
25 Europe for that book. Dr. Vidino, have you been to

1 Afghanistan?

2 A No, I have not.

3 Q Have you been to Pakistan?

4 A No, I have not.

5 Q Have you been to countries in the Middle East?

6 A Yes, I have.

7 Q Which countries?

8 A I've been to Morocco, I've been to Tunisia, I've been to  
9 Egypt, I've been to Turkey, I've been to Israel, I've been to  
10 Saudi Arabia, I've been to Bahrain, I've been to the United  
11 Arab Emirates. That's it.

12 Q In addition to the books that you have authored, have you  
13 edited any books on terrorism and radicalization?

14 A Yes, I have.

15 Q Have you written book chapters on terrorism and  
16 radicalization?

17 A Yes, I have.

18 Q Have you written journal articles on extremism and  
19 radicalization?

20 A Yes.

21 Q About how many?

22 A About a dozen, I would say.

23 Q Have you testified before the United States Congress?

24 A Yes, on several occasions.

25 Q What was the subject of your testimony?

1 A Always terrorism and radicalization, different angles to  
2 it but always on the subject.

3 Q Have you testified before governmental bodies other than  
4 the United States Congress?

5 A Yes, I testified before parliaments in other countries.

6 Q And was it on the same subjects, terrorism and  
7 radicalization?

8 A Yes, correct.

9 Q Have you previously testified in federal court as an  
10 expert on terrorist organizations and radicalization?

11 A Yes, I have.

12 MS. COOK: Your Honor, the government would move to  
13 qualify Dr. Vidino as an expert in Islam extremism and  
14 al-Qaeda.

15 MR. MAHER: We continue our prior objections.

16 THE COURT: He may testify as to his opinions.

17 Q Dr. Vidino, are you being paid for your work in this  
18 case?

19 A Yes, I am.

20 Q What is your hourly fee?

21 A \$250.

22 Q What do you anticipate your total bill will be?

23 A I think around \$12,000, something around.

24 Q What is al-Qaeda?

25 A Al-Qaeda is an organization that was created in the

1 summer of 1988 in Afghanistan by a small group of Arab  
2 fighters who had gone to Afghanistan to fight in the war  
3 against the Soviet Union and as the war was drawing to an end,  
4 they remained in Afghanistan and created the organization to  
5 continue their work, their activities.

6 Q So, this group of Arab fighters that you mentioned, what  
7 is it that drew them to the conflict between Afghanistan and  
8 the Soviet Union?

9 A Well, most of the Afghans, they were fighting against the  
10 Soviet Union, saw the conflict in nationalist terms. They saw  
11 it as war between the Afghan people and the invading power  
12 which is the Soviet Union to fight against their religious  
13 terms. There was an infidel godless power, the Soviet Union,  
14 attacking Muslims and they were basically the people, the  
15 Arabs went to Afghanistan to fight alongside the Afghans where  
16 people had very deep political and religious beliefs. They  
17 are Sunni Muslim identity. They are strongly and they went  
18 there initially at least to fight against the Soviet Union.

19 Q So, you mentioned the word "Sunni." Would you please  
20 tell the jury what that means?

21 A Islam is basically, has two main sects, if you will,  
22 Sunni and Shia. The majority, 85, 90 percent of its Muslims  
23 are Sunni and al-Qaeda is a Sunni organization.

24 Q And just to be clear, the group of Arab fighters that  
25 were drawn to Afghanistan, which division did they follow?

1 A They're all Sunnis.

2 Q You mentioned that this group of Arab fighters remained  
3 in the Afghanistan as the conflict with the Soviet Union began  
4 to come to a close. What was the reason for this group to  
5 remain in, what was their cause?

6 A Well, the individuals had sort of a world view that --  
7 the goals went beyond Afghanistan, had a world view that  
8 basically saw Islam, and still sees now, any government that  
9 does not, any regime that does not implement Islamic law the  
10 way they interpret it in their strict way is legitimate. So  
11 their goals are to create Islamic regimes, Islamic states,  
12 replacing the regimes that exist today.

13 So, after they gained that experience in fighting in  
14 Afghanistan and, of course, being galvanized by the fact that  
15 they had defeated the Soviets, they had participated in the  
16 defeat of a major super power, they thought they would go back  
17 to their countries and continue the struggle there, basically  
18 trying to topple the regimes and replace them with Islamic  
19 states.

20 Q Now, the Islamic law that you just mentioned that this  
21 group wanted to implement, is there a name for that?

22 A Sharia.

23 Q The group of fighters that came to Afghanistan for that  
24 conflict that remained, can you name some of the individuals  
25 who ended up becoming top leaders of al-Qaeda?

1 A Sure. The main mobilizer at the beginning in the '80s  
2 was a man named Abdullah Azzam. He was a Jordanian man who  
3 was very instrumental in writing some of the core texts that  
4 mobilized people from all over the world to go to Afghanistan,  
5 describing it as an individual religious duty to mobilize  
6 Afghanistan and fight. He was one of the founders of  
7 al-Qaeda.

8 Another one would be Ayman al-Zawahri, who is  
9 today's al-Qaeda's leader. He was at the time the leader of  
10 the Egyptian faction of fighters. There was a very prominent  
11 Egyptian faction there and he was the leader.

12 And another one would be Osama bin Laden who was a  
13 Saudi, very, very wealthy man who was sort of the one of the  
14 main financiers of the movement of Arabs that traveled to  
15 Afghanistan to fight against the Soviets.

16 There are other individuals, but I would say these  
17 are sort of the three core individuals that were the minds  
18 behind al-Qaeda.

19 Q So, this group of foreign fighters that remained and  
20 became al-Qaeda, where physically were they located?

21 A The base was the Pakistani city of Peshawar which is an  
22 important city in Pakistani territory bordering Afghanistan.  
23 It's sort of the gateway to Afghanistan. Of course, al-Qaeda  
24 also was running training camps at the time, late '80s, which  
25 were on the Afghan side of the region. Once past the border



1 of Pakistan, there was a series of training camps there.

2 (Continued on next page.)

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Vidino - Direct - Cook

1137

1 MS. COOK: Ms. Clarke, if I could have the document  
2 camera I'll show the jury what's been admitted into evidence  
3 as Government Exhibit 206.

4 (Exhibit published to the jury.)

5 BY MS. COOK:

6 Q Dr. Vidino, are you able to see this on your screen?

7 A Yes.

8 Q Does Government's Exhibit 206 show the area you just  
9 indicated, including Peshawar and where the training camps  
10 were first built by al-Qaeda?

11 A Yes, Peshawar is at the top right.

12 Q Are you able to draw on your screen?

13 A Yes. So, that's Peshawar.

14 And, basically, once you cross here, this is the  
15 Khyber Pass, which is basically the only way to get to -- the  
16 main road that goes from Pakistan to Afghanistan is. So,  
17 al-Qaeda was basically here, most of them were living here,  
18 but running training camps in this is region here on the  
19 border, which is very mountainous, very difficult to reach.

20 Q The area that you just circled, does that include Khost,  
21 Afghanistan?

22 A Yes, Khost is the province where al-Qaeda was running  
23 most of the training camps in the '80s and later on.

24 Q Dr. Vidino, can you define the term "Jihad"?

25 A Jihad is an Arabic word which means struggle and has

Vidino - Direct - Cook

1138

1 several meanings in the Islamic faith.

2           You can argue if -- there's one meaning of it which  
3 is basically an internal struggle. It means to do something  
4 that is difficult to please God. So to give an example, if  
5 one is to quit smoking or one is to be nice to an obnoxious  
6 neighbor or something like that, that's sort of internal  
7 Jihad; you do something that is difficult but you know it's  
8 good and you're pleasing God by doing that.

9           There's another meaning to the word Jihad  
10 classically which means fighting, again, to please God. But  
11 it means physical fighting, war making. And, of course,  
12 classically, Jihad has been regulated by Islamic scholars with  
13 creating sets of rules on when the fighting is permissible  
14 under Islamic law and when it's not, the rules of engagement,  
15 and so on. Jihadist groups over the last 40 years have  
16 somewhat changed the rules of that.

17 Q     How does the concept of Jihad relate to Islam extremism,  
18 particularly with the group al-Qaeda?

19 A     Al-Qaeda and Jihadist groups have basically, as I was  
20 saying, changed and loosened the rules of what Jihad means.  
21 Basically, they argue that the Muslim world is under attack  
22 and, therefore, defending Islam, defending the Muslim world is  
23 an individual duty.

24           In classical Islamic theology, there should be a  
25 leader that declares Jihad. An established and recognized

Vidino - Direct - Cook

1139

1 leader is the only one that can declare Jihad. Jihadist  
2 groups have said no there's no leader today so it's an  
3 individual duty; anybody should pick up arms and start  
4 fighting and defend Islam. And that's goes hand-in-hand with  
5 the vision that these groups have that Islam is under attack.  
6 So, basically, they have argued that it's legitimate for  
7 anybody to pick up arms and start fighting.

8 Obviously, they use the concept, which is a  
9 religious -- very high religious significance for Muslims;  
10 they twist it, but they use it a lot in their propaganda  
11 because, obviously, they're political organizations that use  
12 religious terms and religious frames to mobilize people and  
13 attract them to their cause.

14 Q Is there a relationship between Islam extremism and  
15 violence?

16 A The Islamic movement is a very broad one. You can argue  
17 that the common glue is that they want to create societies  
18 ruled by Islamic rule and that's a very strict interpretation  
19 of Islamic law.

20 Different groups would -- will try to achieve that  
21 goal of creating what they believe to be a perfect society in  
22 different ways. Groups like the Muslim Brotherhood mainly  
23 choose peaceful ways to do so; they participate in the  
24 elections, they do -- they proselytize, and so on.

25 Groups like al-Qaeda or ISIS today use mostly

Vidino - Direct - Cook

1140

1 violence. The argument is that it's bullets over ballots.  
2 We're not going to achieve power through elections, through  
3 democracy, through conferences; violence is the only way to  
4 achieve our goal. So, groups like al-Qaeda basically make  
5 violence, religiously-motivated violence, as the main tactic  
6 to achieve their goal.

7 Q And when you say bullets not ballots, that's  
8 B-A-L-L-O-T-S, as in voting ballot?

9 A Yes.

10 Q What does "al-Qaeda" mean?

11 A The base, in Arabic.

12 Q Can you please describe how this organization functioned  
13 in terms of its leadership?

14 A Sure. It's functioned in a very structured and very  
15 hierarchical way. I think it's a fair comparison to compare  
16 it to a corporation. It had and still has what is known as  
17 the Shura council, S-H-U-R-A, which is a collective body with  
18 some of the most senior members of the group that takes  
19 collective decisions on big strategic issues.

20 There's a leader, which would be basically the CEO  
21 in a corporation, then you have subcommittees dealing with  
22 specific issues; so, there's the military subcommittee,  
23 there's the media subcommittee, there's the religious  
24 subcommittee, dealing with a variety of issues that an  
25 organization deals with.

Vidino - Direct - Cook

1141

1 And there are sets of rules for most aspects of the  
2 organization's life, from how people join to how much people  
3 get paid, to paid holidays. Literally, every single aspect of  
4 it is very structured, preset. And the organization has  
5 always kept very meticulous records of its activities.

6 Q When you say that the organization had rules, were their  
7 rules about who had responsibility for particular decisions?

8 A Yes, correct.

9 Q And were there rules about who al-Qaeda members would go  
10 to to receive answers to particular questions?

11 A Yes.

12 Q Did al-Qaeda pay its members?

13 A Yes.

14 Q Did al-Qaeda provide training to new members?

15 A Training has always been the main reason why al-Qaeda  
16 existed: Providing training to other groups. In the name  
17 itself, you have the answer to that. The base meant that  
18 al-Qaeda was supposed to be sort of the foundation for other  
19 groups that operated worldwide to operate. The goal of  
20 organization, starting within its bylaws, which were published  
21 in 1988, was to provide training to its members and to members  
22 of other Jihadist groups that can then go and operate  
23 worldwide.

24 Q Was this training done in the area that you just  
25 demonstrated on Government Exhibit 206, along the border of

Vidino - Direct - Cook

1142

1 Afghanistan and Pakistan?

2 A Yes.

3 Q Did al-Qaeda have a relationship with the Taliban?

4 A Yes, it did.

5 Q Would you please tell the jury what the Taliban is?

6 A "Taliban" means students in Arabic. Taliban were a group  
7 that came to prominence in Afghanistan in the mid '90s. We  
8 said earlier that Afghanistan came out of defeating the  
9 Soviets but was immediately engulfed in a civil war; all the  
10 groups who had defeated the Soviet Union started fighting  
11 among themselves.

12 The Taliban were basically a group that came  
13 together. These are mostly students of religious schools in  
14 Pakistan and Afghanistan who came together and defeated most  
15 of the other factions that were fighting in the civil war and  
16 by the second half of the '90s controlled most of Afghanistan,  
17 somewhat pacified and controlled most of Afghanistan.

18 Q Thinking back to your earlier testimony when you  
19 described a group of Arab foreign fighters that came to  
20 Afghanistan due to the conflict in the soviet union, was the  
21 Taliban also involved in that conflict?

22 A Not as a group because the Taliban as a group comes  
23 together in the mid '90s, early to mid '90s. But the  
24 individuals who were the leaders of the Taliban had fought in  
25 the 1980s as individuals with different factions in the war

Vidino - Direct - Cook

1143

1 against the Soviets. Most men in Afghanistan had done that in  
2 the '80s, and some of the leaders of the Taliban had known  
3 some al-Qaeda leaders while fighting the Soviets in  
4 Afghanistan in the '80s.

5 Q After the conflict with the Soviet Union ended, did those  
6 relationships between al-Qaeda and the Taliban continue?

7 A Yes, they did.

8 What happened is that bin Laden and al-Qaeda moved  
9 to Sudan in the early '90s because Afghanistan was engulfed in  
10 the civil war and had become an inhospitable place. But in  
11 '96, the government of Sudan expelled bin Laden and al-Qaeda  
12 and the group moved back to Afghanistan, which at the time had  
13 become controlled by the Taliban. So, the two groups started  
14 working together.

15 Q Are there similarities between the ideologies of the  
16 Taliban and al-Qaeda?

17 A Very much so. Both groups embrace sort of the same  
18 highly conservative and highly politicized interpretation of  
19 the faith. They both see only a government that supports and  
20 implements a very strict interpretation of Islamic law as  
21 legitimate. So, the kind of government that the Taliban had  
22 put together, with very strict interpretation of the Sharia,  
23 was a form of government that al-Qaeda approved and endorsed.

24 The one difference would be that -- between Taliban  
25 and al-Qaeda would be that the Taliban were more focused on



Vidino - Direct - Cook

1144

1 Afghanistan and al-Qaeda more of a global outlook. Al-Qaeda  
2 interested in global issues; the Taliban were mostly focused  
3 on reinforcing their position within Afghanistan and turning  
4 Afghanistan into a perfect Islamic society.

5 Q What are Mujahideen?

6 A Mujahideen, it's an Arabic word. In plural it means  
7 those who fight Jihad, those who fight holy war. So, the most  
8 common translation would be holy warriors.

9 Q Does the word "Mujahideen" have any connection to that  
10 early conflict in Afghanistan with the Soviet Union?

11 A It was the word that was used to describe both the Afghan  
12 and the Arab fighters fighting against the Soviet Union.

13 Q So, thinking about the time period between 1996 and 2000,  
14 did al-Qaeda have any specific objectives regarding the United  
15 States?

16 A Yes, it did. Even before that al-Qaeda had publicly  
17 expressed its very strong positions against the United States:  
18 In '96, in a very public way, by issuing declaration of war  
19 against the United States; in '98, issuing a fatwa, a  
20 religious decree, against United States, basically calling all  
21 Islams worldwide to kill Americans.

22 Q What is a "fatwa"?

23 A A fatwa is a religious decree. It's Islamic theologians'  
24 jurisprudence decree on a certain issue.

25 Q Why is it that al-Qaeda had these public declarations

Vidino - Direct - Cook

1145

1 against the United States?

2 A You mean the reason why they did -- what were the  
3 foundations?

4 Q Why did al-Qaeda develop these particular objectives  
5 specifically against the United States?

6 A A combination of reasons. One of the reasons most  
7 commonly cited was the fact that American forces were present  
8 in the Arabian Peninsula. From al-Qaeda's perspective, that  
9 land, they take very literal interpretation of certain  
10 religious verses that argue that only one religion is allowed  
11 in the peninsula and that would be Islam. So, the presence of  
12 American troops there, which had be stationed there after the  
13 Gulf War, was something that was against Islam in the way  
14 bin Laden and al-Qaeda perceived it.

15 The other reasons cited are America's support for  
16 Israel and America's support for regimes and police. That is  
17 arguably the main reason. Al-Qaeda and Jihadist groups saw  
18 the United States and the political, military, and financial  
19 support that it gave to local regimes as the main obstacle to  
20 achieve their goal of creating Islamic society. They argued  
21 that the local regimes that existed could not be toppled by  
22 al-Qaeda and other groups because they have a strength that  
23 came from the support of the United States.

24 So, the argument that al-Qaeda introduces is we  
25 attack the United States so the United States pulls back,

Vidino - Direct - Cook

1146

1 withdraws its support for these regimes, these regimes become  
2 weak, and we can take more, we can topple them.

3 Q And the regimes al-Qaeda was seeking to topple, were they  
4 regimes in the Middle East?

5 A Yes.

6 Q And when al-Qaeda is seeking to cause the United States  
7 to withdraw, do you mean cause the United States to withdraw  
8 from the Middle East?

9 A From the Middle East withdraw any kind of influence; not  
10 just troops, but political, military, financial support in  
11 Middle Eastern regimes.

12 MS. COOK: Ms. Clarke, if I could have the document  
13 camera for just the witness.

14 Q Dr. Vidino, I'm showing you what's been marked for  
15 identification as Government Exhibit 212.

16 Are you able to see that?

17 A Yes.

18 Q Do you recognize that?

19 A Yes.

20 Q What is it?

21 A It's map of the world.

22 MS. COOK: The Government moves the admission of  
23 Exhibit 212.

24 MR. MAHER: No objection.

25 THE COURT: Received.

Vidino - Direct - Cook

1147

1 (Government Exhibit 212 so marked.)

2 MS. COOK: We can publish to the jury.

3 (Exhibit published to the jury.)

4 Q Dr. Vidino, a moment ago you mentioned in your testimony  
5 the Arabian Peninsula. Using exhibit 212, can you explain to  
6 the jury where the Arabian Peninsula is?

7 A Sure. It's basically this area.

8 Q And which countries does that include?

9 A The largest one is Saudi Arabia, then you have Yemen,  
10 Oman, and the smaller emirates, like the United Arab Emirates,  
11 Qatar, and Bahrain.

12 Q Thank you.

13 We've been talking about al-Qaeda's specific  
14 objectives with regard to the United States. During this same  
15 time period, 1996 to 2000, did al-Qaeda take any direct action  
16 against the United States interests?

17 A Yes, it did. It trained a variety of individuals who  
18 then carried out attacks but directly carried out two major  
19 attacks, both of which were planned for a long time.

20 The first one was in 1998. Al-Qaeda operatives  
21 carried out the twin bombings of two U.S. embassies -- one in  
22 Nairobi, Kenya, and one in Dar es Salaam, Tanzania -- which  
23 killed more than 200 people combined.

24 And then in 2000, in Yemen, al-Qaeda operatives  
25 carried out an attack against the USS Cole, which was a U.S.

Vidino - Direct - Cook

1148

1 Navy destroyer which was harbored in the Port of Aden, Yemen.

2 Q Were those attacks by al-Qaeda well publicized?

3 A Very-well publicized.

4 Q Is al-Qaeda the group responsible for the attacks on  
5 September 11, 2001, on U.S. soil?

6 A Yes, it is.

7 Q Was that event also well-publicized?

8 A Yes, it was.

9 Q Turning to the time period after September 2001, did the  
10 United States respond with military action?

11 A Yes, it did.

12 Q Describe.

13 A Basically, in October 2001, the United States started  
14 bombing Taliban and al-Qaeda positions in Afghanistan and  
15 started inserting a small military presence through special  
16 forces on Afghan territory and started supporting very  
17 aggressively the Northern Alliance, which was the only group  
18 in Afghanistan that was still fighting the Taliban, was the  
19 group that was controlling the only part of Afghanistan, north  
20 in Afghanistan, that was not under Taliban control.

21 So, all these efforts together basically brought the  
22 result of the Taliban losing all control over Afghanistan by,  
23 basically, the end of 2001. So, the Taliban and the al-Qaeda,  
24 the group, was protected by the Taliban being dispersed.

25 Q When you say dispersed, where did al-Qaeda go?

Vidino - Direct - Cook

1149

1 A Al-Qaeda members and leaders went in different  
2 directions. So, they basically lost the Afghan sanctuary,  
3 although a few of the scattered individuals still remain in  
4 Afghanistan, even in -- as the Taliban lost power.

5 Al-Qaeda leaders went in a variety of directions:  
6 Some of them went to Iran, which is immediately to the west of  
7 Afghanistan, and were harbored by the Iranian government  
8 there; quite a few went to the opposite route, went east, and  
9 went to Pakistan.

10 So, some of them, for example, like Khalid Sheikh  
11 Mohammed, who is one of the chief operative of operations,  
12 external operations, for al-Qaeda at the time, went to  
13 Karachi, one of the largest cities in Pakistan; a lot of other  
14 al-Qaeda leaders went to the more rural parts of Pakistan,  
15 where there's a lot of mountains and the Pakistani government  
16 has only limited control over.

17 Q Is there a name for that area of Pakistan?

18 A It's known as the FATA, F-A-T-A, Federally-Administered  
19 Tribal Areas.

20 MS. COOK: Ms. Clarke, if I could have the document  
21 camera for a moment.

22 Q Coming back to Government Exhibit 206, which is in  
23 evidence, does Government 206 include the region you've just  
24 described as the FATA?

25 (Exhibit published to the jury.)

Vidino - Direct - Cook

1150

1 A Yes, it does.

2 Q Would you please show the jury what you're talking about?

3 A Sure. This area, basically, and the areas over here;  
4 east, west, north -- sorry, which is basically these parts  
5 here, that was the main areas. But also this area here,  
6 basically, some of the main areas where most of the al-Qaeda  
7 leadership found refuge in late 2001, beginning of 2002.

8 Q Why would al-Qaeda be able to find refuge in this area?

9 A Couple of reasons.

10 That's an area which since the foundation of  
11 Pakistan has never been fully controlled by the Pakistani  
12 government. It's sort of an independent area where the tribes  
13 exert important ministrative control. So, there's high degree  
14 of independence from the central government.

15 Those are areas where there's a lot of mountains, a  
16 lot of places to hide, a lot of caves, very difficult to  
17 patrol.

18 And thirdly, but I would say most importantly,  
19 that's an area that has a long-established history of presence  
20 of a variety of Pakistani and Jihadist groups; groups that had  
21 long history of relationships with al-Qaeda, that have sort of  
22 the same ideology, and they've been operating there for a long  
23 time. So, it was a natural place to find refuge for al-Qaeda.

24 Q During this time period, post 2001, did the Taliban also  
25 have presence in FATA?

Vidino - Direct - Cook

1151

1 A Yes, a very large one.

2 Q And during this time period, did al-Qaeda still have a  
3 relationship with the Taliban?

4 A Yes, it did.

5 Q Moving forward a bit into the 2000s, focusing perhaps on  
6 2003 into 2007, did al-Qaeda have training camps in the FATA?

7 A Yes, it did.

8 Q During the period after the beginning of U.S. military  
9 action in Afghanistan, thinking again about that entire period  
10 of about 2004 to 2007, was it possible for someone from the  
11 west to come to the FATA and join al-Qaeda?

12 A Yes. It was actually quite a relatively common  
13 occurrence.

14 Q What would be the logical route for someone to take to  
15 come to this area and join a militant organization?

16 MR. MAHER: Objection.

17 THE COURT: Let's have a sidebar.

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19 (Continued on the next page.)

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Sidebar

1152

1 (The following occurred at sidebar.)

2 MR. MAHER: I'm objecting because I think it goes  
3 beyond the scope of the expert notice, I think it's gone  
4 beyond the history, it's reaching into speculation as to help  
5 people take this route. There's no studies that I know of.  
6 There's no basis for him to say a particularly common way to  
7 get there.

8 THE COURT: Those are two objections.

9 First, what about the expert notice?

10 Did they know he would give testimony on the route?  
11 Was the route part of what they did have notice?

12 MS. COOK: I am turning to Government's --

13 THE COURT: You don't have to talk until you have an  
14 answer.

15 MS. COOK: Thank you.

16 Yes, your Honor, it is part of the Government's most  
17 recently filed notice: During this time, the recruits to  
18 Pakistan from western countries were able to join al-Qaeda.

19 MR. MAHER: I didn't object when she said that, but  
20 when you start talking about specific routes through  
21 Pakistan --

22 THE COURT: I think it follows that if he's going to  
23 talk about them coming, he knows what routes they came.

24 I agree that you haven't laid a foundation for him  
25 to explain how he knows that. So if you get that, I'll allow

Sidebar

1153

1 it.

2 MS. COOK: Thank you, your Honor.

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4 (Continued on the next page.)

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Vidino - Direct - Cook

1154

1 (Sidebar ends; in open court.)

2 BY MS. COOK:

3 Q Dr. Vidino, earlier you described your experience and  
4 expertise to the jury. As an expert in terrorism and  
5 radicalization, what is your particular focus?

6 A Radicalization and mobilization among western Jihadists,  
7 how individuals in the west radicalize and join groups like  
8 al-Qaeda or carry out attacks.

9 Q Does that include researching and studying persons who  
10 have done what you've just described; so, radicalized and  
11 joined terrorist organizations?

12 A Yes.

13 Q Does your research and your study include individuals who  
14 have gone from the west to join al-Qaeda?

15 A Yes.

16 Q Does your research and study in this area include how  
17 those individuals were able to go from the western country to  
18 a place such as the Middle East to join al-Qaeda?

19 A Yes.

20 Q How many different cases have you studied where such a  
21 thing has occurred?

22 A Difficult to say, but I would say at least a hundred.  
23 It's a very common occurrence. Particularly a few years back,  
24 people would radicalize in the west and join al-Qaeda in  
25 Afghanistan and Pakistan. That was the trend in the '90s and

Vidino - Direct - Cook

1155

1 the 2000s.

2 Q Thinking about this time period we've been discussing,  
3 2004 to about 2007, specifically within that time period, are  
4 you aware of or familiar with cases where individuals went  
5 from the west to this region and joined al-Qaeda?

6 A Yes, quite a few.

7 Q In your study and review of those cases, can you please  
8 describe, if there is a commonality, how would these people  
9 travel to Pakistan?

10 MR. MAHER: Again, my objection.

11 THE COURT: Overruled.

12 You may answer.

13 A There's different ways, but I would say the most common  
14 way would be people would be flying in from the west,  
15 sometimes using -- flying through different cities, not taking  
16 the most direct route in order to avoid security, and then  
17 land in one of the big airports in one of the big cities in  
18 Pakistan, whether it be Karachi or Lahore or Islamabad, and  
19 then from there, after having made contact with some  
20 gatekeepers from al-Qaeda, facilitators, recruiters, make  
21 their way to the FATA.

22 Q Now, the cases that you studied, did the persons who went  
23 over and joined the militant organization, did those persons  
24 always have a direct personal contact with the organization  
25 before they went?

Vidino - Direct - Cook

1156

1 A No; some did, some did not.

2 Q So, in the absence of a direct personal contact before  
3 traveling to the region, how would an individual join a  
4 militant group?

5 A Of course, it was more difficult. I mean, if you had a  
6 contact, a phone number, a name, if you had before you arrived  
7 to Pakistan, that made your life much easier.

8 But it was not uncommon for people who just, you  
9 know, had radicalized and wanted to join al-Qaeda to go to  
10 Pakistan. And it would take a bit longer, but they would find  
11 ways to get there. It would be many cases, for example, going  
12 to some mosques in Pakistani cities which were known for their  
13 radicalism and then simply just attend there and trying to  
14 strike up conversation with right person. Obviously, it  
15 wouldn't be something that would happen overnight, but there's  
16 been quite a few documented cases of people who just sort of  
17 showed up, started going to these places which became very  
18 well-known as Taliban or Jihadist group sort of recruiting  
19 grounds. And once their credentials were somewhat verified by  
20 these groups, they would be accompanied to the FATA.

21 Q This time period, 2004 to 2007, was Bashaur still the  
22 gateway to Afghanistan?

23 A Yes, it is; geographically it still is and always will  
24 be, yes.

25 Q Is that due to what you described earlier, that Bashaur

Vidino - Direct - Cook

1157

1 is along the Khyber Pass that goes through that mountainous  
2 region?

3 A Yes. Geographically, that's one way you can go from that  
4 part of Pakistan to Kabul; from the capital of Pakistan,  
5 Islamabad, to the capital of Afghanistan, Kabul, you have to  
6 go through Bashaur, you have to go through Khyber Pass.  
7 There's really no other way around it.

8 Q Dr. Vidino, the case that you're here to testify about  
9 today, do you know the specifics of this defendant's travel?

10 A No.

11 Q In fact, have you been given the factual information of  
12 this case?

13 A No, I have not.

14 Q Are you testifying based on your historical research and  
15 study?

16 A Yes.

17 Q Does al-Qaeda have affiliates?

18 A Yes, it does. Quite a few.

19 Q What is an affiliate and what kind of relationship do  
20 they have with al-Qaeda?

21 A Affiliates are basically spinoff organizations that  
22 al-Qaeda created in different parts of the world. Basically,  
23 if there's generally preexisting groups with similar ideology  
24 that operate in other parts of the world, that at some points  
25 were allegiants to al-Qaeda and fell under the al-Qaeda

Vidino - Direct - Cook

1158

1 umbrella, if you will, they utilized the brand al-Qaeda.

2           These are groups in places like Yemen or Iraq or  
3 Algeria and always shared the mindset and world view and the  
4 goals of al-Qaeda, and at some point formalized that  
5 relationship with al-Qaeda. So, some of the groups would be,  
6 for example: Al-Qaeda Arabian Peninsula, which operates out  
7 of Yemen; Al-Qaeda in Iraq, which later became ISIS; al-Qaeda  
8 in Islamic Maghreb, which is the Sahara area, North Africa.

9 Q     What is Tabligh Jamaat?

10 A     Tabligh Jamaat is a very conservative Islamic movement  
11 which originates from South Asia, from the Indian  
12 subcontinent, basically, which seeks to reintroduce Muslims to  
13 a conservative interpretation of the faith.

14           The way it does so is mostly proselytizing it by  
15 sending its members to travel around the globe and meet  
16 Muslims wherever -- go to mosques, go to any kind of place  
17 where you could find Muslims, a lot of them would do it as  
18 street preachers -- and reintroduce them to what the group  
19 believes to be the authentic interpretation of the faith. It  
20 is generally -- it is not a militant organization per se, but  
21 there's been quite a few cases of individuals that come from  
22 that group that have developed connections to militant groups  
23 or that have connected members of the regime with the militant  
24 groups.

25 Q     To be clear, is Tabligh Jamaat an al-Qaeda affiliate?

Vidino - Direct - Cook

1159

1 A No, it's not.

2 Q Earlier, did you describe the interpretation of Islam as  
3 conservative?

4 A Yes, very conservative.

5 Q Please describe to the jury what a "kunya" is?

6 A A kunya is basically a name that's relatively commonly  
7 given to most militants; it's not something that only militant  
8 groups do, but in Arabic it's often done to hide the identity  
9 of a certain individual.

10 It has generally two components. The first one is  
11 "father of" and then the second part is the place of origin.  
12 So, let's say that somebody has a son named Mohammad, your  
13 name then would be Abu Mohammad; and if you are from Tunisia,  
14 you'd be al-Tunisi; if you are from Italy, you would be  
15 al-Italia. So, that's basically the way it works.

16 It is often given within militant milieus to hide  
17 the true identity of operatives.

18 Q Does the word "Abu" in Arabic mean father?

19 A Yes.

20 Q If the person didn't have children, would they still be  
21 able to be Abu?

22 A Yes, there are ways around it.

23 Q Would somebody ending in "al-Shami" mean anything to you?

24 A Al-Shami would be somebody that comes from the Sham. The  
25 Sham in Arabic is the region that we in the west would



Vidino - Direct - Cook

1160

1 identify as the Levant, which is basically contemporary Syria,  
2 Lebanon, and part of, basically, northern Palestine, northern  
3 Israel.

4 Q Did al-Qaeda give kunyas to its members?

5 A Yes, it's very common. Everybody within al-Qaeda had a  
6 kunya in order to withhold the true identities. Even other  
7 members of al-Qaeda would not know the first and last name of  
8 other members for obvious security reasons.

9

10 (Continued on next page.)

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Vidino - direct - Cook

1161

1 (Continuing.)

2 BY MS. COOK:

3 Q Did the very top leaders of al-Qaeda always take kunyas.

4 A Yes. A lot of them felt -- had of kunya which was Abu  
5 Abdullah. The first son was Abu Abdullah.

6 Obviously because al-Qaeda's leaders were publicly  
7 known, they were on TV giving interviews, the necessity to  
8 hide their true identities was not as great as it was for the  
9 other operatives.

10 Q Does al-Qaeda recruit new members?

11 A Yes, it's always done that from the very beginning.  
12 Training and -- providing training and recruiting have always  
13 been crucially important for the organization.

14 Q Why is it crucially important?

15 A Because, again, the way al-Qaeda sees itself is as a  
16 vanguard that trains -- as a base for other organizations. It  
17 seeks to mobilize Muslim masses worldwide to embrace their  
18 ideology, their mindset, and eventually to mobilize and take  
19 action.

20 So, it's a movement that seeks to expand and attract  
21 new members and then send those new members worldwide to  
22 finish the organization's activity.

23 Q To focus on the same time period we've been talking about  
24 post 2001 to the mid 2000s, how did al-Qaeda recruit new  
25 members?

Vidino - direct - Cook

1162

1 A You could argue that it did that in two ways. I mean,  
2 the first part of the recruitment is getting its message out  
3 and al-Qaeda has always put a very strong emphasis on getting  
4 its propaganda out. The methods in which it has done so have  
5 changed over time, but it used communication very well. They  
6 have always tried to reach as broad of an audience as possible  
7 with its message. So, the first part would be that; inspire  
8 people to embrace its ideology.

9 The second part has been how you get those people  
10 who have embraced the ideology to join the group and that's  
11 where -- the recruitment part. How do you get somebody from  
12 wherever in the world that has adhered to the organization's  
13 ideology to reach the organization and be useful to the  
14 organization. And globally al-Qaeda, had different ways of  
15 doing that.

16 Q Did al-Qaeda ever use established news outlets to  
17 recruit?

18 A Yes, particularly in the first days of the organization,  
19 al-Qaeda sought to exploit mainstream media and what better  
20 way to get your message out than to use established media.

21 So even back in the late '90s, bin Laden was  
22 courting both Arabic and western media to give interviews.  
23 And they reached out to ABC, to CNN, to the main media outlets  
24 to go to Afghanistan and interview bin Laden.

25 The idea was that -- the group wanted to -- it had

Vidino - direct - Cook

1163

1 these global ambitions and wanted to get its message out  
2 globally. So it always tried to work, if you will, for lack  
3 of a better term, with mainstream media.

4 Q Did the mainstream news outlets that you've been  
5 describing ever edit the message that al-Qaeda sought to put  
6 out?

7 A Yes, it did. And obviously there's always been a moral  
8 dilemma for media, what to do with the propaganda that comes  
9 from al-Qaeda.

10 From a journalistic point of view it's a bit of a  
11 dilemma. On some level you want to broadcast it because it's  
12 very important from a news point of view, but at the same time  
13 you are providing a platform to a violent organization. So  
14 over time, particularly in the early 2000s, media started  
15 editing or not broadcasting entirely the propaganda coming  
16 from al-Qaeda.

17 Q Did al-Qaeda begin creating its own media?

18 A Yes. I think that's one of the reasons why that happens  
19 that -- relying on established media allowed the organization  
20 to obviously have a very broad audience, but it didn't allow  
21 for it to control the message. They understood that, and by  
22 late 2001 they created their own media production company  
23 which was called As Sahab which started producing the  
24 organization's media products.

25 Q What kind of media was produced by As Sahab?

Vidino - direct - Cook

1164

1 A Mostly videos, I would say of fairly good quality,  
2 well-produced. And the topics ranged from statements from the  
3 leaders, you know. Osama bin Laden would periodically give a  
4 speech which would generally be a very long speech. As Sahab  
5 would broadcast that. As Sahab would produce a lot of  
6 documentaries, for example, which basically analyzed a variety  
7 of global issues obviously from al-Qaeda's point of view.  
8 They could have al-Qaeda's spin, world events, what is the  
9 ambition of Iraq or the anniversary of a certain attack.

10 Other media products from As Sahab would eulogize  
11 members of the organizations who have died. Different  
12 products and it was a fairly prolific organization.

13 Q Would part of the purpose of the media put out by As  
14 Sahab be to recruit new members?

15 A That's always been, I would say, the number one reason  
16 why al-Qaeda would put out -- As Sahab would put out  
17 propaganda, is to attract more and more people. Again, the  
18 goal of the organization has been that of mobilizing Muslim  
19 masses; reaching, awakening -- and I'm quoting here; awakening  
20 the Muslim masses, sending the message out and triggering sort  
21 of a strong reaction and passion and emotions among what they  
22 believe to be their audience, the Muslim world.

23 So media would be put out in a way that would  
24 ideally try to get a reaction, a strong reaction, from its  
25 audience which would mobilize.

Vidino - direct - Cook

1165

1 THE COURT: At a convenient time, I would like to  
2 take our morning break. Would you like to go on a little bit?

3 MS. COOK: One more question to wrap things up.

4 THE COURT: Sure.

5 MS. COOK: Thank you.

6 BY MS. COOK:

7 Q Would one of the purposes be to motivate its own  
8 membership?

9 A Yes, absolutely. Yes. Obviously when al-Qaeda put out a  
10 message there would be different audiences at the same time.  
11 One is, as I said, new potential members, Muslim masses in  
12 general which al-Qaeda saw and still sees as potentially its  
13 entire audience, but then it would be also for its own members  
14 to just boost spirit within the organization and then another  
15 audience would be western audiences, western policymakers; to  
16 intimidate them or make whatever message they had to come  
17 across to the west.

18 MS. COOK: Your Honor, this would be a good point to  
19 break.

20 THE COURT: Let's take 15 minutes, ladies and  
21 gentlemen. We will come back at 11:42. Don't talk about the  
22 case. See you in a few minutes.

23 (Jury exits.)

24 (In open court; outside the presence of the jury.)

25 THE COURT: About how much more direct do you

Vidino - direct - Cook

1166

1 anticipate.

2 MS. COOK: Your Honor, I would anticipate about 30  
3 minutes.

4 THE COURT: Okay, see you in 15 minutes.

5 MR. MAHER: Thank you, Your Honor.

6 (Recess taken.)

7 (In open court; outside the presence of the jury.)

8 THE COURT: Let's have the witness back, please.

9 (Witness resumes stand.)

10 (Jury enters.)

11 THE COURT: Be seated.

12 Please continue.

13 MS. COOK: Thank you, Your Honor.

14 BY MS. COOK:

15 Q Dr. Vidino, before we took our break, you had been  
16 answering questions about media created by al-Qaeda. Did  
17 al-Qaeda affiliates also create their own media?

18 A Yes. Most of them created the -- a production company of  
19 their own and their own media products.

20 Q Did the media created by al-Qaeda affiliates interplay  
21 with or contribute in any way to al-Qaeda's message?

22 A Yes, absolutely. They basically touched the same topics.  
23 They often republished the affiliate's media products,  
24 republished some of the al-Qaeda core, al-Qaeda central  
25 videos, themes. Basically it was a giant ecochamber.

Vidino - direct - Cook

1167

1 Q In the course of becoming an expert on extremism and  
2 radicalization, have you reviewed Islamic texts?

3 A Yes.

4 Q Would that include the Qu'ran and hadith?

5 A Yes.

6 Q What is a hadith.

7 A It's basically a secondary source in Islam. If the  
8 Qu'ran is the main one, the hadiths are the sayings, stories  
9 about the life of the prophets or saying attributed to the  
10 Prophet Mohammad. They are a collective of a variety of  
11 books. They are a secondary religious source in Islam.

12 Q Are they considered a source of religious authority?

13 A Yes, of course. They are considered to be authentic.  
14 Yes, they are. They are a source and they're studied and they  
15 are important.

16 Q In the course of becoming an expert on extremism and  
17 radicalization have you reviewed jihadist propaganda?

18 A Yes, I did.

19 Q Do hadith ever appear in this propaganda?

20 A They are frequently. Al-Qaeda's propaganda basically  
21 uses religious frames for its political agenda. It has  
22 political goals, but in order to legitimize them and in order  
23 to attract followers, it frames both political concepts  
24 through religious texts and obviously the best -- the  
25 religious frames.



Vidino - direct - Cook

1168

1           The best way to do so, what makes look more  
2 legitimate is to refer to text. So whether it's verses of the  
3 Qu'ran or hadiths, they are extremely commonly used in  
4 al-Qaeda's propaganda.

5 Q     What is hijrah?

6 A     Hijrah is an Arabic word which traditionally indicates  
7 the migration. It's migration -- it's basically the migration  
8 that Prophet Mohammad and the early followers of the Prophet  
9 did from Mecca when they were persecuted by the local rulers  
10 to Medina, where they established the first Islamic community.  
11 This dates back to the very early days of Islam.

12           So it's going from one place where the Muslims are  
13 persecuted to one place where they can live peacefully and  
14 create a Islamic society. Today's jihadist groups use the  
15 same concept. Again, they get their legitimacy by using -- by  
16 referring constantly to religious concepts.

17           They use the concept of hijira saying that today  
18 Muslims should do the same. But Muslims who live in where  
19 Islamic law is not practiced and places of sin, like the west,  
20 they should move away. So, for example, like today's west is  
21 yesterdays Mecca. They should move. So do hijira to a place  
22 where they can live where they're not persecuted and they can  
23 live their life in an Islamically acceptable way.

24 Q     In your review of jihadist propaganda have you observed  
25 common themes or common narratives?

Vidino - direct - Cook

1169

1 A Sure. I would say there's an overarching narrative which  
2 is the idea that not just Muslims, but Islam in general is  
3 under attack; that there is a giant global conspiracy. The  
4 west, which they refer to as crusaders, Jews, known jihadist  
5 Muslims.

6 So all other Muslims who do not ascribe to the same  
7 interpretation of Islam as al-Qaeda does, they're all engaged  
8 in a giant conspiracy to oppress real Muslims, as they would  
9 put it; to keep them down, and the idea is that they want to  
10 suppress true Islam. And basically the solution that al-Qaeda  
11 and other jihadist groups provide is that we should fight  
12 back.

13 We should fight back against all the members of this  
14 conspiracy and it's an individual duty for Muslims to  
15 mobilize, join these groups and fight back to defend what they  
16 believe to be true Islam.

17 Q What is the Ummah, U-M-M-A-H?

18 A That's -- it means the Muslim community. It's everybody  
19 that believes in Islam. All Muslims belong to this global  
20 community. The Ummah is the community of believers,  
21 basically.

22 Q The common narrative that appears in jihadist propaganda  
23 that you just described, does that ever draw upon ideas that  
24 the Ummah is suffering?

25 A Yes. The narrative is often the idea of portraying the

Vidino - direct - Cook

1170

1 community as victims. As I was saying earlier, there's a big  
2 conspiracy and we are -- we -- as Muslims, we are victims and  
3 evidence of that is taken from Jew political conflicts. So we  
4 are victims in Palestine, in Iraq, in Kashmir, in Afghanistan;  
5 all the places where there are conflicts where Muslims are  
6 part of a conflict. Or in events like the Danish cartoons  
7 mocking the Prophet Mohammad.

8 In the very conspiratorial mindset that al-Qaeda  
9 adopts, all these are parts of the same giant plot to  
10 undermine Muslim and the Muslim community is suffering because  
11 of that part.

12 Q Does jihadist propaganda ever directly reference the  
13 United States?

14 A Very frequently. It's the number one enemy.

15 Q Does such propaganda paint the United States in a  
16 negative light?

17 A It is the number one enemy, so extremely negative, yes.

18 Q Is the United States and the west in general often  
19 referred to as corrupt?

20 A Yes. Corruption is one of the main accusations leveraged  
21 against the U.S. and the west in general. Moral corruption  
22 and all kinds of internal corruption as well.

23 Q Does jihadist propaganda ever specifically reference the  
24 U.S. military?

25 A Frequently.

Vidino - direct - Cook

1171

1 Q And does it -- let me withdraw the question.

2 What would the purpose be of jihadist propaganda  
3 specifically -- specifically talking about the U.S. military?

4 MR. MAHER: Objection.

5 MS. COOK: Let me reframe the question, Your Honor.

6 Q Dr. Vidino, in your view of jihadist propaganda have you  
7 ever observed that there's propaganda that appears directly  
8 targeted at the U.S. military?

9 A Yes.

10 Q What are the common themes within that subset of  
11 propaganda?

12 A The messages that go to -- that appear to be directed to  
13 U.S. servicemen say that they're basically naive tools being  
14 used by a corrupt leadership; that they are -- they think --  
15 they're being sold a lie that they're fighting for freedom or  
16 democracy or to help people in the Middle East, but in reality  
17 they're sent by giant corporations to exploit the resources of  
18 middle eastern countries and they're sent to die to enrich the  
19 corrupt leadership of corporations and the U.S. government.

20 Q And what would the purpose be of such messages?

21 A Demoralizing, creating the dissension within the ranks  
22 and demoralizing U.S. soldiers.

23 Q What is the Battle of Badr?

24 A The Battle of Badr is one of the very first battles and  
25 the most important is arguably a battle that pitted the

Vidino - direct - Cook

1172

1 Prophet Mohammad and his early followers in the early days of  
2 must Islam against the Arab tribes which resisted the growth  
3 of the community that the Prophet Mohammad was leading.

4 It's very important to Islamic history because it  
5 was the first major success that Mohammad and his army had  
6 against a much stronger army. Despite being very small in  
7 numbers, they managed to achieve a major victory which led  
8 them to eventually defeat their enemies. So it's referred to  
9 in Islamic history and theology.

10 Q When you say "small number," what's the number?

11 A 314. 312 followers plus the Prophet Mohammad himself.

12 Q Is the Battle of Badr referenced in any foundational  
13 documents of al-Qaeda?

14 A In al-Qaeda's bylaws.

15 Q What is the reference?

16 A The reference -- basically the bylaws state that al-Qaeda  
17 will train in a short amount of time 314 soldiers which is  
18 obviously not a random number but it's a reference to the  
19 Battle of Badr. They don't mention the Battle of Badr, but  
20 clearly they're saying we will train 314 soldiers. It's  
21 obviously a number that any Muslim would know what the  
22 reference is to.

23 Q In your study of radicalization in the west, have you  
24 observed whether there has been an increase or a decrease in  
25 recruiting efforts since post-9/11?

Vidino - direct - Cook

1173

1 A Definitely an increase.

2 Q Does the internet play a role in that?

3 A A major one. It has allowed al-Qaeda to disseminate its  
4 propaganda to a larger audience.

5 Q Do recruits from west have any significance for al-Qaeda?

6 A Very much so. Al-Qaeda sees an enormous value in having  
7 operatives in the west that have, first of all, the passports,  
8 the western passports. It's much easier if you have an  
9 American or a British passport to travel around the world and  
10 go to western countries compared to if you had a -- an Afghan  
11 or a Somali passport.

12 An American passport has enormous value. Any  
13 western passport has enormous value. Al-Qaeda plans its  
14 operations carefully. It sends operatives on the ground to  
15 carry out attacks months, if not years, ahead of time; and,  
16 obviously, having someone who knows how to live in the west,  
17 is not a fish out of water, doesn't raise any kind of  
18 suspicion, has maybe a life in the west; has a family, a job,  
19 a profession there, that is a much better operative from  
20 al-Qaeda's point of view than somebody who has never seen the  
21 west before and you just take him there.

22 Q Did al-Qaeda have a practice of eulogizing members who  
23 had died?

24 A Very commonly.

25 Q What was the purpose of eulogizing members who had died?

Vidino - direct - Cook

1174

1 A Well, different purposes, but one is of course because of  
2 al-Qaeda's perennial goal of attracting new people. The idea  
3 is to show that this is somebody who is a martyr. This is  
4 somebody who's a hero and has achieved this great status and  
5 should be followed as a model. And so you're attracting  
6 people by showing the great virtue of somebody who you portray  
7 as a hero.

8 At the same time you do that internally. It's for  
9 the consumption of other al-Qaeda -- of current al-Qaeda  
10 members. In a way you -- you boost -- boost their morale by  
11 showing somebody who is a hero. It's fairly common among  
12 militant groups to do that.

13 Q Was there any importance to al-Qaeda to notify family  
14 members if someone had died?

15 A Al-Qaeda often tried to do that. It's often tried to  
16 have a very close relationship with the families of its  
17 members which in many cases meant providing them with  
18 financial support. When it could, it notified families of  
19 people who had died while fighting the cause; generally  
20 sending them a message which is a very positive one. Your  
21 son, your husband, your brother, whatever, died as a hero.  
22 He's in heaven now. You should be proud of him.

23 Q Did al-Qaeda create media and propaganda for the specific  
24 purpose of recruiting westerners j?

25 A Yes, particularly after the early 2000s it created -- it

Vidino - direct - Cook

1175

1 had a much stronger emphasis on the English language media and  
2 of attracting western -- western recruits which -- with a  
3 variety of products which were much more western-friendly.

4 Q How would they make a media product more western  
5 friendly?

6 A Well, first of all, the use of English language of  
7 course. And then eventually also of other western languages,  
8 but also talking about issues which are more common to a  
9 western audience, were more culturally attuned to a western  
10 audience.

11 Q Did al-Qaeda utilize any English speakers in its media  
12 and propaganda?

13 A Yes, the main one was an American born individual Adam  
14 Gadahn who started featuring around 2004 but then eventually  
15 was featured on a regular basis and was a native English  
16 speaker born and raised in southern California. And he became  
17 the English language spokesperson. There's other videos by  
18 al-Qaeda also in English.

19 Q Did Adam Gadahn become a member of al-Qaeda?

20 A Yes.

21 Q Did Adam Gadahn have a kunya?

22 A Yes.

23 Q What was the kunya?

24 A Abu Azzam Al-Amriki. So Abu Azzam, father of Azzam,  
25 al-Amriki, the American.



Vidino - direct - Cook

1176

1 Q Are there other prominent English-speaking figures in  
2 jihadist propaganda?

3 A Yes, there's a few. I would say the main one widely  
4 recognized as the most influential ideological propagandist  
5 for al-Qaeda in English -- in the English language was Anwar  
6 al-Awlaki.

7 Q Would you describe Anwar al-Awlaki's background for the  
8 jury?

9 A Sure. Al-Awlaki came from a very prominent Yemeni  
10 family. He was born in the United States in Colorado because  
11 his father was finishing his Ph.D. in the United States. He  
12 then moved back with the family at a young age.

13 He moved with the family back to Yemen, but came  
14 back again to Colorado to obtain his college and graduate  
15 degrees. That's by the mid-'90s. He became a very  
16 influential figure in conservative Muslim circles in the  
17 United States by the second half of the '90s.

18 Q Did al-Awlaki produce a series of lectures?

19 A Yes. He was an extremely prolific lecturer, wrote a lot  
20 but mostly gave lectures which were taped and broadcast.

21 Q How would the lectures be available to members of the  
22 public?

23 A In a variety of ways. In cases there would be  
24 transcripts which would be disseminated through a very  
25 extensive web of websites. In many cases, the lectures would

Vidino - direct - Cook

1177

1 be taped and sold or they would be posted online. Still now  
2 you can find a lot of his videos on Youtube. It's extremely  
3 widely available, very frequent.

4 Q Given the time period that we're talking about, was there  
5 anything unique about al-Awlaki's use of the internet?

6 A He was probably one of the very first ideologs of the  
7 jihadist movement to really understand the importance of the  
8 internet and utilize it fully. I think he was, in a way,  
9 probably the first one to really understand the importance of  
10 having his own website, of posting things online.

11 He was years ahead of his time, if you will, in his  
12 ability to understand the importance of online dissemination  
13 of this propaganda.

14 Q And were these lectures that were available online, what  
15 language were they done in?

16 A English, all English.

17 Q Did they have any aspects that would have been relevant  
18 to or interesting to a western audience?

19 A That was in a way al-Awlaki's secret for his success.  
20 Yes, part of it was his ability to disseminate his lectures,  
21 but the other part was his ability to speak to a western  
22 audience in a very effective way. The reason why -- there's a  
23 lot of English language propagandists and one of these --

24 The reason why al-Awlaki emerged and still today is  
25 arguably one of the most influential lectures, even six years

Sidebar

1178

1 after his death, is the fact that he had a deep knowledge of  
2 Islam. He knew the sources, was an Arabic speaker, could cite  
3 the religious texts very well, but he would conceptualize them  
4 culturally for a western audience.

5 He would speak very highly about religious texts and  
6 but then speak with very common language that would appeal to  
7 anybody and making references to day-to-day life in the west.

8 Q Did there come a time when Anwar al-Awlaki left the  
9 United States?

10 A Yes, around 2003, al-Awlaki was basically under pressure  
11 from the FBI for some of its ties to al-Qaeda's efforts.

12 MR. MAHER: Objection. Can we have a sidebar,  
13 please?

14 THE COURT: Okay.

15 (Sidebar held outside of the hearing of the jury.)

16 (Continued on next page.)

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Side-Bar

1179

1 (Side-bar.)

2 MR. MAHER: My objection is, I believe, that the  
3 witness is about to make references to investigations of  
4 Mr. Al-Awlaki concerning potential mentoring or interactions  
5 with people who participated in the 9/11 bombings. It's my  
6 understanding that no charges were brought against him, it was  
7 an investigation. He was under investigation for a number of  
8 years by the FBI, he leaves the country, al-Awlaki, I think  
9 around 2000 -- well, years after 2001. And he's never  
10 charged.

11 So, I just want to make sure that the Government  
12 wasn't going to try to elicit testimony implying that  
13 al-Awlaki was involved in any way in 9/11 because that's not  
14 been proved in any court, there's no conviction. It's rumors  
15 that have been spread around, that's my concern. And I think  
16 that the 403 prejudice in this case --

17 THE COURT: That is the objection, though, 403  
18 prejudice.

19 MR. MAHER: Yes.

20 MS. COOK: Your Honor, the point of the testimony is  
21 not to try to establish that Anwar al-Awlaki is in any way  
22 guilty for the 9/11 event. It's a point in time at which  
23 Anwar al-Awlaki leaves the United States and goes to the  
24 Middle East. That's the only reason for the testimony. The  
25 Government is not going to elicit any details about the FBI

Side-Bar

1180

1 investigation or connections to 9/11.

2 THE COURT: Okay.

3 MR. MAHER: Just so I understand; so, the question  
4 would be, he -- how is it going to be framed? How is this  
5 witness going to state the reason that he left the country?

6 THE COURT: I don't think he is going to state the  
7 reason.

8 Is he going to state the reason?

9 MS. COOK: Your Honor, I'm happy to lead the witness  
10 through that to avoid the concern.

11 THE COURT: We do not need the reason, we just need  
12 to know that he left, right? That's your point.

13 MS. COOK: Yes.

14 MR. MAHER: Thank you.

15 (Side-bar end.)

16

17 (Continued on following page.)

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25

Vidino - direct - Cook

1181

1 (In open court.)

2 BY MS. COOK: (Continuing)

3 Q Dr. Vidino, answering just yes or no; did there come a  
4 time when Anwar al-Awlaki left the United States?

5 A Yes.

6 Q And after he left the United States, where did he go?

7 A The U.K.

8 Q And after the U.K., did Anwar al-Awlaki go, at some  
9 point, to Yemen?

10 A Yes, right after the U.K.

11 Q Right after the U.K.

12 Was Anwar al-Awlaki incarcerated in Yemen?

13 A Yes, he was.

14 Q And was he released?

15 A Yes, he was.

16 Q During this time period, after the release from  
17 incarceration in Yemen, were al-Awlaki's lectures still  
18 available online?

19 A Yes, they were.

20 Q And the time period we've been talking about, did  
21 al-Awlaki continue to create lectures that were available to  
22 the public?

23 A Yes. His production even increased, I would say.

24 Q So, thinking about the early time period of Anwar  
25 al-Alwaki's lectures, let's say the late '90s to early 2000s,

Vidino - direct - Cook

1182

1 how would you describe, in general, the early al-Awlaki  
2 lectures?

3 A Basically, al-Awlaki would explain different aspects of  
4 Islam from a religious or an historical perspective in a  
5 conservative way.

6 Q Did the lectures progress to something that you would  
7 describe as more radical?

8 A Yes, absolutely.

9 Q What kinds of things or ideas began to appear in the  
10 lectures that would lead you to that conclusion?

11 A They became more political, but first of all, he started  
12 translating texts, one of which, for example, was from a known  
13 al-Qaeda leader that openly called for jihad. And by 2007,  
14 2008, basically, most of his lectures are about jihad, which  
15 makes clear that it's not internal struggle, but means  
16 military fighting and clearly argues that it's against the  
17 United States, it's against a variety of other enemies. So,  
18 it's clearly contextualizing the current, at the time,  
19 geopolitical context.

20 Q So, as we begin to go from the transition of very early  
21 2000s into the time period you have just described, are there  
22 lectures along the way that contain those more radical  
23 elements?

24 A Yes.

25 Q And when, in your observation, did a lecture -- any

Vidino - direct - Cook

1183

1 lecture specifically referencing jihad -- become available to  
2 the public?

3 A 2005, 2006.

4 Q You mentioned that al-Awlaki had to translated a book  
5 that contained ideas of jihad and were radical concepts.

6 What language was the book in and what language was  
7 it translated to?

8 A It was originally in Arabic and al-Awlaki translated it,  
9 and added his own commentary in English.

10 Q Dr. Vidino, we've used the word radicalization many times  
11 during your testimony.

12 Will you please tell the jury what radicalization  
13 is, in your opinion?

14 A Radicalization is the term of art used by academics and  
15 policy-makers to describe the process through which an  
16 individual undergoes when he embraces an extremist ideology,  
17 internalizes it and then, eventually, moves to carry out acts  
18 of violence in furtherance of an ideology.

19 Q And in your work as an expert in the field of extremism  
20 and radicalization, is there any kind of a common profile of  
21 somebody who might be susceptible to radicalization?

22 A No. There isn't. It's very diverse. People who  
23 radicalize come from all walks of life and of all kinds of  
24 backgrounds.

25 MS. COOK: Your Honor, if I could have a moment.



Vidino - direct - Cook

1184

1 THE COURT: Yes.

2 (Pause in the proceedings.)

3 MS. COOK: Thank you, Your Honor. Nothing further.

4 THE COURT: All right.

5 Cross-examination.

6 MR. MAHER: Your Honor, would Your Honor consider  
7 the lunch break at this point?

8 THE COURT: I would consider it.

9 MR. MAHER: Would you grant it?

10 THE COURT: I do not know.

11 Are you hungry, ladies and gentlemen?

12 THE JURY: Yes.

13 THE COURT: Okay, we will break for lunch. We will  
14 come back at 1:15.

15 Please, do not talk about the case amongst  
16 yourselves or with anyone else. I will see you in one hour.

17 THE COURTROOM DEPUTY: All rise.

18 (Jury exits.)

19 (In open court; outside the presence of the jury.)

20 THE COURT: Okay. 1:15.

21 ALL: Thank you.

22

23 (Continued on following page with AFTERNOON  
24 SESSION.)

25

Vidino - cross - Maher

1185

AFTERNOON SESSION

(In open court.)

(Judge BRIAN M. COGAN enters the courtroom.)

THE COURTROOM DEPUTY: All rise.

THE COURT: Let's get the witness and the defendant.

(Defendant enters the courtroom.)

(Witness resumes stand.)

THE COURT: All right, we have both.

THE COURTROOM DEPUTY: All rise.

(Jury enters.)

THE COURT: All right, everyone be seated.

Cross-examination, Mr. Maher.

MR. MAHER: Thank you, Your Honor.

CROSS-EXAMINATION

BY MR. MAHER:

Q Good afternoon, Professor Vidino.

A Good afternoon.

Q As you testified on direct, you've never met

Mr. Al Farekh.

A Correct, I have not.

Q And you obviously have never seen him in any al-Qaeda training camp.

A No, I have not.

Q And in fact, you've never seen him in person until perhaps yesterday when you were in the courthouse.

Vidino - cross - Maher

1186

1 A I've never seen him, actually.

2 Q You grew up in Italy, is that true?

3 A Correct.

4 Q And you went to college in Italy?

5 A Law school.

6 Q When you refer to law school, in Italy it's a little  
7 different than in the United States as far as law school and  
8 under-grad, right?

9 A Correct, you go straight from high school to law school,  
10 it's a five-year thing instead of three years.

11 Q So, basically, in Italy after high school, you can go  
12 into what would be equivalent to a college year, but after  
13 five years you have the equivalent of an under-grad and a law  
14 degree, is that fair to say?

15 A Yes, correct.

16 Q Whereas in the United States you have to go to college  
17 for four years and then three years of law school.

18 A Correct.

19 Q It's true that you speak many languages, but you don't  
20 specifically speak Arabic; correct?

21 A Correct.

22 Q And you don't speak Urdu?

23 A Correct.

24 Q And you don't speak Pashto?

25 A Correct.

Vidino - cross - Maher

1187

1 Q And I understand you have not been to Pakistan yourself;  
2 is that correct?

3 A That's correct.

4 Q And so, you then obviously have not been to Waziristan at  
5 any time in your life.

6 A No, I have not.

7 Q Is it a fair statement, based on your knowledge of the  
8 field and geography and demographics in general, that in the  
9 area of Waziristan, not counting Peshawar which technically  
10 may not be in Waziristan, but there is not a large population  
11 center, a large city in that area of Pakistan; correct?

12 A Correct, it's mostly mountains.

13 Q In the course of your research, correct me if I'm wrong,  
14 you have never yourself been to an operational al-Qaeda  
15 training camp, right?

16 A No, I have not.

17 Q Or an operational Taliban training camp, right?

18 A No, I have not.

19 Q As you testified on direct there are some shared goals  
20 between the Taliban and al-Qaeda but they are different and  
21 distinct organizations.

22 A That's correct.

23 Q They each have their own history of how they developed  
24 over time.

25 A Yes.

Vidino - cross - Maher

1188

1 Q They have different leadership structures.

2 A Yes.

3 Q And they have had different ideological goals.

4 A Correct.

5 Q And sometimes in the past there have been some sources of  
6 tension between the two groups, you could put it that way.

7 A Yes, I think that's fair.

8 Q When you were discussing on direct kind of the creation,  
9 inception of al-Qaeda, you obviously didn't go into all of the  
10 history of al-Qaeda on your direct testimony; correct?

11 A Yes.

12 Q Is it fair to say that when al-Qaeda was formed in 19...

13 A August '88, officially August '88.

14 Q '88, that it was kind of a confluence of different groups  
15 in different countries?

16 A Yes.

17 Q There was at least one organization from Egypt.

18 A Yeah, yes, Egyptian Islamic jihad led by Ayman  
19 al-Zawahiri.

20 Q There were an organization led by Osama bin Laden that  
21 was based, at that point, out of the Saudi Arabia; correct?

22 A Bin Laden wasn't really leading an organization.

23 Bin Laden had developed a network of supporters and financiers  
24 in the gulf, in Saudi Arabia and other countries, and had been  
25 based out of Peshawar for basically throughout the '80s.

Vidino - cross - Maher

1189

1 Second part of the '80, for sure.

2 Q But he was not part of Islamic jihad.

3 A No, he was not.

4 Q And there were other groups that also joined al-Qaeda --

5 A Correct.

6 Q -- when it was formed.

7 You were asked some questions about Tabligh Jamaat,  
8 also Dawa-e-Tabligh, they are interchangeable names, correct?

9 A Correct.

10 Q And this is an organization that's right now based in the  
11 Indian subcontinent as you testified.

12 A Correct.

13 Q This is an organization that is not an al-Qaeda  
14 affiliate, as you testified.

15 A Yes. It's not.

16 Q Dawa-e-Tabligh or Jamaat Tabligh is not a designated  
17 foreign terrorist organization by the U.S. Government, is it?

18 A It's not.

19 Q It is a group, as you said, with one of its goals is to  
20 proselytize the Islamic faith, correct?

21 A Correct, that's the main goal.

22 Q And is it fair to say in proselytizing one of the main  
23 goals of Dawa-e-Tabligh is to proselytize to other Muslims.

24 A Yes, that's the main goal, yes.

25 Q The main goal. It's not to reach out to people of other

Vidino - cross - Maher

1190

1 faiths or people or who have no faith and bring them to Islam.  
2 Most of their, if not all of their, effort is talking with  
3 other Muslims about what their faith means?

4 A They do both, but mostly you're correct; it is to reach  
5 out to what are lax Muslims in their mind, and re-Islamize  
6 them, yes. But it also reaches out to potential converts.

7 Q Thank you.

8 Fair to say that estimates that you've seen as far  
9 as the number of people in or affiliated with Dawa-e-Tabligh  
10 can range from 12 million to 150 million people?

11 A I think the larger number is a bit on the general side,  
12 but yes, it's a very large organization with millions of  
13 sympathizers, yes.

14 Q Is it fair to say that Dawa-e-Tabligh has a presence in  
15 countries around the planet?

16 A Correct.

17 Q And some estimates would say between 150 and 200  
18 countries. Would that sound in the ballpark for you?

19 A It's basically in every country in the world, yes,  
20 correct.

21 Q Okay. Including Israel; correct?

22 A That, I'm not aware of. It could be.

23 Q And Dawa-e-Tabligh was started way back in 1927, right?

24 A Correct.

25 Q By -- we won't get into that.

Vidino - cross - Maher

1191

1                   And just again, Dawa-e-Tabligh is not involved in  
2 violent jihad, right?

3       A     As an organization, it is not.

4       Q     You testified that there are some known cases of people  
5 who were in Jamaat Tabligh and Dawa-e-Tabligh who went on to  
6 join radical jihadist groups, right?

7       A     Yes.

8       Q     Is it fair to say that there are other religions around  
9 the world where people have been a part of a mainstream  
10 organization and then gone on to a radical offshoot of that  
11 religion, perhaps.

12      A     Correct.

13      Q     You're familiar with the concept of dawa?

14      A     Yes.

15      Q     And is it fair to say, in loose terms, it's a concept of  
16 inviting people to Islam?

17      A     Yes.

18      Q     And there are many forms that you have learned about that  
19 dawa can take a form of.

20      A     Yes.

21      Q     It can be one person making an individual decision one  
22 day to be nice to another person perhaps, right?

23      A     Correct. Yes.

24      Q     And sometimes it can be more organizational; a group of  
25 people, college students, going to a public square and having



Vidino - cross - Maher

1192

1 a literature table.

2 A Absolutely, yes.

3 Q And it can be more formalized such as a group like  
4 Dawa-e-Tabligh?

5 A Yes, correct.

6 Q And just to be clear, though you have researched the  
7 areas you've testified about, you are not specifically an  
8 Islamic scholar yourself.

9 A No, I'm not.

10 Q In the course of your research, you have become familiar  
11 with at least broad methodologies in research.

12 A Correct.

13 Q And you have learned about different types of bias that  
14 can seen into research potentially.

15 A Of course.

16 Q One concept that you're familiar with is called  
17 confirmation bias, yes?

18 A Yes, correct.

19 Q Is it fair to say that confirmation bias is a type of  
20 cognitive or mental bias that involves favoring information  
21 which confirms previously existing beliefs or biases?

22 A That's an accurate definition, yes.

23 Q And to take maybe a little bit more the jargon out of it,  
24 confirmation bias can affect the way a person perceives the  
25 world.

Vidino - cross - Maher

1193

1 A Yes, correct.

2 Q And it can also affect the way that someone analyzes, it  
3 can affect the way a person analyzes information potentially.

4 A Correct.

5 Q You were asked a number of questions about al-Qaeda on  
6 direct and I want to ask you some questions about al-Qaeda.

7 You testified how al-Qaeda has a history of taking  
8 responsibility for attacks done under its name.

9 A Correct.

10 Q And it's public responsibility for attacks done under  
11 al-Qaeda's name.

12 A Correct.

13 Q And there are reasons, from your understanding, that  
14 al-Qaeda does this type of thing, right?

15 A Yes.

16 Q One is for recruitment purposes.

17 A Correct.

18 Q Okay. One is for propaganda purposes.

19 A Correct.

20 Q You testified about a number of large-scale attacks that  
21 were covered around the world, such as the embassy bombings in  
22 1998.

23 A Yes, correct.

24 Q Al-Qaeda took public responsibility for the embassy  
25 bombings, right?

Vidino - cross - Maher

1194

1 A Yes, it did.

2 Q The attack on the U.S. Cole, al-Qaeda took responsibility  
3 publicly for that.

4 A Yes, it did.

5 Q Al-Qaeda took public responsibility for 9/11.

6 A It did.

7 Q And there are many other attacks al-Qaeda has publicly  
8 taken responsibility for.

9 A Correct.

10 Q You also testified how al-Qaeda has a history of  
11 acknowledging when its own leaders have been killed.

12 A Yes.

13 Q And many times it's not only an announcement but also,  
14 you could call it a eulogy.

15 A Correct.

16 Q And there can be praise in the announcement for the  
17 person who was killed or died.

18 A Yes, generally there are, yes.

19 Q And it can also be just like a press release, information  
20 about who the person was.

21 A Yes, at times, yes.

22 Q From your research, is it fair to say that as, I think  
23 you agree, a clandestine organization al-Qaeda uses  
24 compartmentalization in certain facets of its organizational  
25 life.

Vidino - cross - Maher

1195

1 A Very much, so, yes.

2 Q Very much so.

3 One area compartmentalization occurs in is with  
4 information, right?

5 A Yes.

6 Q And by compartmentalization would you agree it's just a  
7 concept of meaning keeping different knowledge or things  
8 separate from the knowledge that someone else might have of  
9 that.

10 A Yes.

11 Q So, information might be within a small group in al-Qaeda  
12 in one part of the world, and another part of information  
13 might be in another part of the world.

14 A Correct.

15 Q Is that fair to say?

16 A Yes, that's fair.

17 Q And it's fair to say compartmentalization can be seen in  
18 this concept of kunyas that you testified about.

19 A Potentially, yes.

20 Q In that an individual really is compartmentalizing their  
21 individual identify and using this kunya, this alias, fake  
22 name, in order for other people not to have the truth about  
23 who their identity is; correct?

24 A Yes, that's correct.

25 Q And in your experience, al-Qaeda has also

Vidino - cross - Maher

1196

1 compartmentalized tasks that the organization has undertaken.

2 A Yes, correct.

3 Q So, in planning attacks, at least sometimes, al-Qaeda has  
4 compartmentalized the preparation for those attacks.

5 A Yes, absolutely.

6 Q It has used different individuals or different groups to  
7 prepare different components of the attack.

8 A Yes.

9 Q And sometimes, if not many times, the people involved in  
10 the different components might not know at all what other  
11 groups or individuals are working towards the same goal --

12 A Correct.

13 Q -- correct?

14 And, in fact, people in the individual components  
15 may not even know what the larger goal is of the task that  
16 they are working on.

17 A Correct.

18 Q That would be, perhaps, a grand goal that only one or a  
19 small handful of people in the upper echelons of the al-Qaeda  
20 leadership would know.

21 A In some cases, yes, correct.

22 Q And the upper, upper, top leadership, meaning such as the  
23 Shura Council, would have reasons not to disseminate what some  
24 of their larger operational ideas might be; correct?

25 A Yes.

Vidino - cross - Maher

1197

1 Q Even to their own members?

2 A Correct.

3 Q You were asked questions about the Arabic word Shami, do  
4 you recall that?

5 A Correct, yes.

6 Q And how that could conceivably be turned into a kunya by  
7 a person by calling themselves Abu Shami?

8 A Abu, something, al-Shami.

9 Q Abu, something, al-Shami. And that could mean someone --

10 A Father of, from the region of Sham.

11 Q You are also familiar with that same concept can apply to  
12 any country or location on the planet, right?

13 A Exactly.

14 Q So, Abu al-Masri?

15 A Egyptian.

16 Q Would refer to someone Egyptian potentially, right?

17 A Yes.

18 Q Abu al-Palestine?

19 A Palestinian.

20 Q Palestinian.

21 Abu al-Jordanian?

22 A Jordanian.

23 Q I'm sure I'm butchering my pronunciation.

24 Al-Qaeda, from your research and just general  
25 knowledge, has used coercion to carry out its mission.

Vidino - cross - Maher

1198

1 A Yes.

2 Q Including kidnapping?

3 A Yes.

4 Q You also testified how al-Qaeda has placed value on  
5 westerners who want to join --

6 A Correct.

7 Q -- the organizations.

8 A Correct.

9 Q And it's fair to say al-Qaeda places a great value on  
10 westerners who want to join al-Qaeda.

11 A Very much so.

12 Q And is it fair to say, as I believe you testified, that a  
13 tremendous value that al-Qaeda sees in a westerner is a  
14 passport that that person might have, right?

15 A Very much, so.

16 Q Because that western passport would allow that potential  
17 al-Qaeda member, if they become one, to travel into Europe.

18 A Correct.

19 Q Right. And then move freely around the European union.

20 A Correct.

21 Q Canada, United States, the western world, basically, with  
22 a western passport they could travel in, right?

23 A Correct.

24 Q And not only travel, but they could potentially be an  
25 undercover operative.

Vidino - cross - Maher

1199

1 A Yes.

2 Q For years, they could potentially be an operative lying  
3 in wait to carry out a mission.

4 A Exactly.

5 Q Is it fair to say that al-Qaeda might value the westerner  
6 to do those types of missions than to be cannon fodder in the  
7 deserts or mountains of Afghanistan?

8 A It depends on the circumstances, but yes, generally  
9 speaking, I think that's fair.

10 Q You testified about how there are what you characterize  
11 as affiliate organizations aligned with al-Qaeda; correct?

12 A Yes, correct.

13 Q Now, by the word affiliate, it, correct me if I'm wrong,  
14 that by itself means it's not al-Qaeda itself, the affiliate.

15 A It is because they do swear an allegiance. Al-Qaeda has  
16 many groups with which it works globally and has developed the  
17 relationships of sort of tactical alliance, like a lot of  
18 groups operate in the FATA. When you become an affiliate, you  
19 swear an oath of allegiance and so there's a hierarchical  
20 dependency from the co-organization to your organization.

21 Q There are some affiliates, using your term, who have then  
22 merged into the organization completely, right? Over time in  
23 the history of al-Qaeda.

24 A I'm not sure.

25 Q You're not aware of any that just have disbanded their



Vidino - cross - Maher

1200

1 that own organization and just became members of al-Qaeda.

2 A Not really. I'm not sure what you're referring to, no.

3 Q Okay. You were asked questions about Anwar al-Awlaki.

4 From your research and as you testified, al-Awlaki  
5 was born in Yemen, right?

6 A No, he was born in the United States.

7 Q Excuse me. His parents are from Yemen.

8 A Yes. He was from a prominent Yemeni tribe, but he was  
9 born in Colorado.

10 Q And he became an imam in the United States.

11 A Correct.

12 Q Imam being a religious leader.

13 A Yes.

14 Q He became, I believe you said, at least more prominent in  
15 conservative Muslim circles in the second half of the 1990s.

16 A Correct.

17 Q Is that your testimony?

18 A Yes.

19 Q And by conservative Muslim circles, you're not saying  
20 radical violent jihadi circles.

21 A No.

22 Q Mainstream Muslims in the western world.

23 A Conservative, but yes, mainstream.

24 Q And conservative can be part of the mainstream.

25 A Yes, absolutely.

Vidino - cross - Maher

1201

1 Q Your understanding is that at some point, al-Awlaki  
2 started publishing or publicizing his lectures.

3 A Yes.

4 Q Now as Imam, one of the things that an imam is known to  
5 do is to give sermons in public, right?

6 A Yes.

7 Q And in public sometimes, by public also means within a  
8 mosque.

9 A Yes.

10 Q And sometimes at a university.

11 A Yes.

12 Q Sometimes these are recorded, just like in any other  
13 religious arena, right?

14 A Yes.

15 Q Sometimes they're not.

16 A Yes, absolutely.

17 Q But al-Awlaki, starting in the second half of the '90s,  
18 at least, started -- whether he did it himself or someone did  
19 it for him -- started having his lectures and sermons  
20 recorded.

21 A Yes, correct.

22 Q Some were just audio recordings?

23 A Correct.

24 Q Yes?

25 Some were video recordings.

Vidino - cross - Maher

1202

1 A Yes.

2 Q And these started making it to the Internet, right?

3 A Yes.

4 Q And there is a wide variety of topics that al-Awlaki  
5 lectured on.

6 A Very broad indeed.

7 Q And is it fair to say that in the mid- to late 1990s and  
8 early 2000s, that al-Awlaki was not talking about violent  
9 jihad.

10 A For the most part, he was not.

11 Q He was talking about religious topics within Islam.

12 A Correct.

13 Q He was talking about historical issues, particularly as  
14 they may pertain to Islamic history, right?

15 A Yes.

16 MR. MAHER: I am showing you -- could we please have  
17 the document camera, please. This is for identification,  
18 only. Defendant's Exhibit 10.

19

20 (Continued on following page.)

21

22

23

24

25

Vidino - Cross - Maher

1203

1 BY MR. MAHER:

2 Q Showing you what's been marked for identification as  
3 Defense Exhibit 10, are you able to see it on your screen?

4 A Yes, I am.

5 Q It looks like the word on the left -- are you aware that  
6 Anwar al-Awlaki gave a lecture on marriage in Islam?

7 A Yes.

8 Q Does the photograph depicted in Defense Exhibit 10 appear  
9 to you to be a fair and accurate image of Anwar al-Awlaki?

10 A Yes, a very famous picture of him.

11 MR. MAHER: I move Defense Exhibit 10 into evidence.

12 MS. COOK: The Government has no objection to the  
13 photo of the individual; however --

14 THE COURT: You have to redact the rest of it.

15 MR. MAHER: No problem. Thank you.

16 THE COURT: It's admitted.

17 (Defense Exhibit 10 so marked.)

18 THE COURT: If you want to show it now, you have to  
19 block out the rest of it with pieces of paper or you can show  
20 it to the jury later. You can also probably fold it.

21 MR. MAHER: I'm going to try that right now. I have  
22 a different.

23 MR. TUCKER: We have a photograph of in evidence --

24 THE COURT: Ask counsel if he wants to use it.

25 MR. MAHER: I've got it. Thank you, everybody.

Vidino - Cross - Maher

1204

1 First on the document camera for counsel.

2 If we can place this up.

3 (Exhibit published to the jury.)

4 Q So, this is a fair and accurate likeness of Anwar  
5 al-Awlaki, correct?

6 A Yes, correct.

7 Q Thank you.

8 You're also aware of a lecture that al-Awlaki gave  
9 called Obesity and Overeating in Islam?

10 A Yes.

11 Q He had a lecture called Qualities of Great Women; are you  
12 aware of that one?

13 A I am not, but it sounds like a theme he would cover, yes.

14 Q He had a lecture entitled Don't forget Our Sisters.

15 A Correct.

16 Q He had a lecture called Umar Arasa: Art of Reading the  
17 Face; are you familiar with that one?

18 A I think so.

19 Q And as you've testified, is it accurate that Awlaki was a  
20 prolific lecturer?

21 A Extremely prolific, yes. There's hundreds of hours of  
22 his lectures.

23 Q Hundreds of hours of his various lectures are all over  
24 the internet?

25 A Correct.

Vidino - Cross - Maher

1205

1 Q And they certainly were all over the internet in the  
2 2000s?

3 A Correct.

4 Q And by number -- well, I'll put it this way: Is it fair  
5 to say that at least as of up to 2007, Awlaki did not advocate  
6 violent confrontation with the west?

7 A That's debatable. I think that's -- you have the  
8 translation that he did of books of Jihad. There's the 2003  
9 book which you have by Ibn-Nuhaas, which is obviously a  
10 translation of a medieval book but it's all about Jihad. And  
11 you have another book from 2005 Constants on the Path of  
12 Jihad, which is a translation of a book written by an al-Qaeda  
13 leader. So, it's not a medieval book and it is a book about  
14 advocating for Jihad and Awlaki translates and provides  
15 commentary.

16 I think that advocacy for direct confrontation and  
17 violence directly attributable to Awlaki is visible by 2006,  
18 2007 is this.

19 Q You have testified in court before?

20 A Yes, I have.

21 Q And you've testified in relation to -- you've at least  
22 answered questions about Anwar al-Awlaki before.

23 A I have.

24 MR. MAHER: And for counsel, I'm going be referring  
25 to 3500 LV2 Page 19.

Vidino - Cross - Maher

1206

1 Q In fact, you testified on March 9, 2016, in federal court  
2 in Arizona?

3 A Correct.

4 Q In the matter of U.S. v. Abdul Kareem?

5 A Correct.

6 MR. MAHER: If I can have the document camera -- I  
7 think it might go faster this way -- for the witness.

8 Q I'm showing you -- you can take a look at this. I'm  
9 going to read this aloud.

10 Isn't it true you were asked at this prior court  
11 proceeding: Question, By 2007, did Anwar al-Awlaki advocate  
12 for American Muslims to integrate into American society or was  
13 he encouraging something else?

14 Your answer: I think that's debatable. Whether he  
15 was encouraging them to integrate, he was very critical of  
16 American society, of western society in general. He always  
17 advocated for an Islamic society ruled by Sharia law. He did  
18 not advocate violent confrontations with the west necessarily  
19 but he argued that good Muslims lived only under an Islamic  
20 order, so not a democratic order.

21 Is that your answer?

22 A Correct, it is.

23 Q You're aware that Awlaki was not designated as a  
24 terrorist by the United States Government until 2010?

25 A Yes, correct.

Vidino - Cross - Maher

1207

1 Q That he was in prison in Yemen from, I believe,  
2 August 2006 until December of 2007, correct?

3 A Right.

4 Q And at least as reported in the media, he died in 2011?

5 A September, yes.

6 Q September of 2011?

7 A Correct.

8 Q You testified about the concept of radicalization. And  
9 you, on your direct, I think said that it's actually a term of  
10 art used by academics, right?

11 A Correct.

12 Q But isn't it also true that there isn't a commonly  
13 accepted definition of what radicalization means within  
14 academic circles?

15 A Absolutely there's a debate.

16 The definition I provided is probably the one that  
17 gets more people aboard, most commonly accepted. But like the  
18 term "terrorism," in academic circles there's always a debate  
19 about correct definitions. So, there's not one 100 percent  
20 accepted way by everybody in the academic community.

21 Q Well, you've written about the definition of  
22 radicalization before, correct?

23 A Yes, I have.

24 Q And I'm referring to 3500 LV3, which would be the third  
25 page of the document.



Vidino - Cross - Maher

1208

1 In fact, you've written specifically, quote:  
2 Despite its frequent use in recent years in relation to  
3 political extremism and terrorist activities, the term  
4 radicalization does not have a commonly accepted definition.

5 A Correct.

6 Q You wrote that, correct?

7 A Yes, absolutely.

8 Q And you would agree that there is no set pathway to  
9 radicalization?

10 A No, absolutely very different trajectories.

11 Q They can apply in all kind of contexts, right?

12 A Absolutely.

13 Q Your field of research is in one potential area, I guess  
14 you could say, of radicalization, right?

15 A Yes, Jihadist radicalization in the west.

16 Q You don't study how perhaps radicalization occurs in  
17 contexts involving nonreligious organizations, right?

18 A You look at the literature because, obviously, you  
19 contextualize the field of research that you work on with a  
20 larger body of literature, but it's not been my main focus.

21 But, obviously, radicalization happens, as you said,  
22 in different ideologies and different contexts. One needs to  
23 be aware about other trends in other groups, but, obviously, I  
24 have my own field of expertise, yes.

25 Q The way you're using this term radicalization, it's broad

Vidino - Cross - Maher

1209

1 enough to encompass someone who gets involved in violent left  
2 wing organizations?

3 A Correct.

4 Q It's broad enough to encompass people who get involved in  
5 alt right violence?

6 A Yes, because some of the dynamics are similar, yes.

7 Q And it could apply to people who have been involved in  
8 other religions who then end up committing acts of violence  
9 purportedly in the name of their religions?

10 A Absolutely. It's not exclusive to Muslim faith,  
11 absolutely.

12 Q And there's no single profile of radicalization, right?

13 A No. You have people from all sorts walks of life, all  
14 socioeconomic, cultural, demographic backgrounds you can  
15 imagine, yes.

16 Q And there's no way that you can -- well, radicalization  
17 can happen in different many ways, potentially, right?

18 A Yes, many pathways; can be quick, can happen over long  
19 time frame, by yourself, in a group of people. It's extremely  
20 diverse as a process.

21 Q It can happen from someone watching the news,  
22 potentially, right?

23 A It could start from the that, actually, yes, of course.

24 Q Even Fox News, potentially, right?

25 A I guess potentially, yes.

Vidino - Cross - Maher

1210

1 Q To be fair, it could be happen to somebody watching  
2 MSNBC. It could lead potentially down the road to  
3 radicalization for some person, potentially?

4 A There's obviously been the absorption of an extreme --  
5 radicalization, a big part of is absorbing the ideology of a  
6 violent group. Obviously, it could be triggered by some kind  
7 of event which one sees in the news and with a strong  
8 political twist, whether it's more Fox News- or MSNBC-like,  
9 but, yes, it could start also that way.

10 Obviously, for a radicalization process to continue  
11 from that trigger moment, from that sort of what is known as  
12 cognitive opening, when you start having a different world  
13 view, obviously the absorption of an extremist ideology is  
14 crucial in that and I don't think it's really in the Fox News  
15 realm or MSNBC realm.

16 Q I want to focus on "could be," the phrase or the verb  
17 that you used. At this point, you don't have the predictive  
18 power to say if someone is exposed to a certain stimuli that  
19 they're going to become a violent Jihadist radical.

20 A Oh, no. I don't think anybody has that.

21 Q And you understand as a researcher the difference between  
22 concepts such as correlation and causation?

23 A Absolutely.

24 Q And how some things can appear correlated but it doesn't  
25 mean that one causes the other.

Vidino - Cross - Maher

1211

1 A True.

2 Q And, hopefully, an example that brings it into more  
3 everyday terms, let's say an alarm clock goes off every day at  
4 10 a.m. And every day at 10 a.m. when the alarm clock goes  
5 off, the sun is out.

6 The sun correlates with that wake-up time, correct?

7 A Correct.

8 Q But the sun being out doesn't cause the alarm clock to go  
9 off, right?

10 A Sure.

11 Q But if someone didn't know anything and they just looked,  
12 they might make a conclusion: Hey, every time this alarm  
13 clock goes off, I see the sun out side. Maybe the sun is  
14 causing the alarm clock to go off.

15 Right?

16 A Sure.

17 Q But if they research further, they could learn, perhaps,  
18 that's it's setting the alarm clock that causes the alarm to  
19 go off, right?

20 A Yes.

21 Q And that would be the cause, right?

22 A Yes.

23 Q And, so, turning to, let's say, a Jihadist speech or  
24 lecture, a radical one, you can't say, correct, in your  
25 research, let's say, how many times I would need to listen to

Vidino - Cross - Maher

1212

1 a radical Islamic lecture before I became a violent Islamic  
2 Jihadist, right?

3 A No, you're right, it doesn't work like that.

4 Q Some people could listen to it a million times and it  
5 would have no effect on them.

6 A Correct.

7 Q The same would be true of al-Qaeda propaganda, correct?

8 A True.

9 Q We talked or I asked you questions about the moniker  
10 "al-Shami" before. In the course of your research, you  
11 have -- well, I'll ask you: Have you come across a press  
12 release by al-Qaeda eulogizing the death of Abdullah al-Shami?

13 A I don't remember.

14 MR. MAHER: For this I will approach if I may, your  
15 Honor.

16 THE COURT: Okay.

17 MR. MAHER: This is for identification purposes  
18 Defense Exhibit 12.

19 MR. TUCKER: Your Honor, can we have a sidebar?

20 THE COURT: Okay.

21

22 (Continued on the next page.)

23

24

25

Sidebar

1213

1 (The following occurred at sidebar.)

2 MR. MAHER: Counsel raised this with me yesterday,  
3 but this is the first we're seeing this exhibit. He's  
4 literally handing it to us now. Looking at it quickly, I  
5 have significant concern about jury confusion here.

6 The person who's addressed in this article is Abu  
7 Abdallah al-Shami. It's never been the Government's  
8 contention that this Defendant went by the kunya Abu Abdallah  
9 al-Shami.

10 THE COURT: Is this the Abdallah versus Abdullah --

11 MR. TUCKER: No, your Honor. That's a unique name  
12 that is reference to the father of Abdallah.

13 All this will do is create confusion. As your Honor  
14 knows, the Government has met and exceeded its disclosure  
15 obligations in preparation for this trial. It is the  
16 Government's good faith understanding that this is a totally  
17 different guy.

18 THE COURT: It could blow up in your face.

19 What would you put on to show this is talking about  
20 someone else?

21 MR. TUCKER: Well, I think we could certainly find  
22 something, your Honor.

23 THE COURT: That's why I'm inclined to let him do  
24 it. I agree with you, I think one defense strategy is to  
25 cause some confusion to say this is possible, isn't it, and

Sidebar

1214

1 make the jury think it is possible. If you think it's not  
2 possible, show why it's not possible show, why it's a  
3 different thing. But if Mr. Maher wants to make that  
4 argument, he can.

5 You sure you want to?

6 MR. MAHER: For the record, the defense is not  
7 trying to sow confusion, your Honor.

8 THE COURT: What are you trying to do?

9 MR. MAHER: To show that there's -- the Government's  
10 position is that this ubiquitous name al-Shami, whether you  
11 say Abdallah or Abdullah -- I think in the dep it eventually  
12 became clear that both are spelled the same way, potentially  
13 written down. So, this journalist could have misspelled it.

14 THE COURT: It didn't become clear in the  
15 deposition. It was suggested by you.

16 MR. MAHER: Then your Honor, I think, corrected me.

17 The Government's position is this Abdullah or  
18 Abdallah al-Shami has to be Mr. al-Farekh. And the Government  
19 has information that there are multiple people who went by the  
20 exact name --

21 THE COURT: I'll allow the examination. I think  
22 it's fairly easy for the Government to put this to rest if it  
23 wants to, which is why I'm going to allow it.

24 MR. TUCKER: Your Honor, just to avoid having to do  
25 this again, the Court is not going to admit this exhibit?

Sidebar

1215

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THE COURT: No.

MR. MAHER: I wasn't seeking to admit it.

MR. TUCKER: Thank you, your Honor.

(Continued on the next page.)

LAM

OCR

RPR



Vidino - Cross - Maher

1216

1 (Sidebar ends; in open court.)

2 BY MR. MAHER:

3 Q Showing you what's marked for identification as  
4 Defendant's Exhibit 12, which is an article. If you can turn  
5 to the second page of that, that's what I'll be asking you  
6 about.

7 When you're done reading, you can indicate by  
8 looking up.

9 A Just the first page?

10 Q Yes. I think that's all we'll cover.

11 A Okay.

12 MR. MAHER: If I can have a half-second, your Honor.

13 (Counsel confer.)

14 MR. MAHER: I'm going to put this picture, if I may,  
15 on the document camera, please. This has been admitted  
16 previously as Government's Exhibit 110.

17 (Exhibit published to the jury.)

18 Q This is Mustafa Abu al-Yazid, correct?

19 A Correct.

20 Q A senior leader in al-Qaeda, right? At least was?

21 A Correct.

22 Q And are you familiar with the announcement that Yazid  
23 made regarding the death of Abu Abdallah al-Shami?

24 A I'm not.

25 Q In the course of your research, you never came across any

Vidino - Redirect - Cook

1217

1 press releases or articles in which Yazid announced and  
2 eulogized the death of Abu Abdallah al-Shami?

3 A I might have, obviously, but al-Qaeda puts out these  
4 things on a regular basis, on a weekly basis. So, it might  
5 have escaped me. I might have read it at the time and don't  
6 recall it now.

7 Q As you sit here right now, you don't recall that?

8 A No, I don't.

9 MR. MAHER: Just a moment, please.

10 THE COURT: Yes.

11 MR. MAHER: Nothing further. Thanks.

12 THE COURT: Any redirect?

13 MS. COOK: Yes, your Honor. Thank you.

14 May I inquire, your Honor?

15 THE COURT: Yes.

16 REDIRECT EXAMINATION

17 BY MS. COOK:

18 Q Counsel asked you a series of questions about Tabligh  
19 Jamaat?

20 A Yes.

21 Q Do you recall those questions?

22 A Yes, I do.

23 Q And in your earlier testimony, you described this  
24 organization as a conservative organization; was that correct?

25 A Correct.

Vidino - Redirect - Cook

1218

1 Q And would a conservative organization potentially bring  
2 its members or those who are associated with it into the  
3 circles of other conservative organizations?

4 A Yes. In many cases, it was preparation to a more  
5 conservative and, if you will, radical interpretation of  
6 Islam.

7 Q And you were also asked questions about whether al-Qaeda  
8 routinely claims credit for attacks it has carried out; do you  
9 recall those questions?

10 A Yes.

11 Q And also in your direct testimony do you recall  
12 testifying about the 1998 bombings of U.S. embassies and,  
13 also, the attack on USS Cole?

14 A Yes.

15 Q What would be the purpose of al-Qaeda taking  
16 responsibility for attacks such as those?

17 A Different times different reasons, but mostly to attract,  
18 to gain publicity, attract new recruits, show an image of  
19 power, show that they are an effective organization capable of  
20 striking the enemy and, therefore, attracting new funds, new  
21 recruits.

22 Q Would it be fair to say that part of the purpose would be  
23 to glorify the organization?

24 A Yes. Obviously, al-Qaeda started off as a small  
25 organization and needed to make a name for itself and has

Vidino - Redirect - Cook

1219

1 always been in need of maintaining a certain image as a  
2 powerful organization.

3 So, in the first phase, which I would say is the  
4 '90s, the idea was they were desperately seeking attention  
5 because they needed recruits because they were basically a new  
6 and unknown organization. As they became known, they always  
7 sought to sort of the gain new followers, gain new  
8 sympathizers, and also maintain in a post-911 environment the  
9 image of a powerful organization.

10 Q If an attack failed, would claiming responsibility for  
11 that attack carry out those purposes?

12 A Very unlikely.

13 Q You were also asked questions about whether al-Qaeda was  
14 a compartmentalized organization.

15 A Yes.

16 Q You recall those questions?

17 A Yes.

18 Q Would members of al-Qaeda be aware of al-Qaeda's overall  
19 objectives?

20 A Absolutely, yes.

21 Q Including the objectives regarding the United States?

22 A That's the fundamental one. Attacking the United States  
23 is sort of the fundamental goal of al-Qaeda, so any member  
24 would know that.

25 Q Including the goal of driving United States from the area

Vidino - Redirect - Cook

1220

1 of Afghanistan and Pakistan?

2 A Absolutely. It's in the propaganda. Basically, in every  
3 piece of propaganda that al-Qaeda puts out, it's there.

4 Q You were also asked questions about the name al-Shami.

5 A Yes.

6 Q Does the Levant include any parts of Jordan?

7 A I would say the northern corner of it.

8 The Sham is a region that was under the Ottoman  
9 Empire. It's sort of loosely defined from a geographical  
10 point of view area which definitely includes Syria and  
11 Lebanon. I think you can argue the northern part of Israel  
12 and the northwestern part of Jordan.

13 Q You were also asked questions about the value of recruits  
14 from the west to al-Qaeda.

15 A Yes.

16 Q And you were asked if part of the value of those recruits  
17 would be the passports that they would bring with them.

18 A Yes.

19 Q Now, obviously, the passports could be valuable because  
20 they might allow the recruit to go back to western society; is  
21 that right?

22 A One of the reasons, yes.

23 Q Could the passport also be valuable because it could  
24 provide a template to al-Qaeda for creating fake  
25 identification documents?

Vidino - Redirect - Cook

1221

1 A Yes. Al-Qaeda's always had teams that work on document  
2 forging. One of the classes offered in the training camps was  
3 about documents, document forging, and always had specialists  
4 working on that. So, obviously, the documents they wanted to  
5 forge are mostly or ideally western passports because we have  
6 a higher value.

7 Q Was part of the value of western recruits to al-Qaeda  
8 also the information and knowledge of the west that those  
9 recruits would bring with them?

10 A Yes, absolutely.

11 The ability to know how certain aspects of western  
12 society work from the media to financial institutions, it's  
13 not a coincidence that, for example, some of the planners --  
14 there was a disproportionate number of westerners among the  
15 planners of terrorist attacks for al-Qaeda going back to '98  
16 embassy bombings. Some of core planners were people coming  
17 from the United States. For example, the money man was  
18 somebody coming from Tucson, Arizona.

19 MR. MAHER: Objection.

20 THE COURT: Can you state the grounds in one word.

21 MR. MAHER: One word? No.

22 THE COURT: Sidebar.

23

24 (Continued on the next page.)

25

Sidebar

1222

1 (The following occurred at sidebar.)

2 MR. MAHER: I think the Government has made their  
3 point. Now they're getting into the minutia of the plan for  
4 the embassy bombings, potentially other attacks.

5 THE COURT: I think it's fairly responsive to your  
6 cross-examination. I'm going to allow it.

7

8 (Continued on the next page.)

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Vidino - direct - Cook

1223

1 (In open court; sidebar ends.)

2 BY MS. COOK:

3 Q Dr. Vidino, I believe that you were explaining your  
4 answer about some of the ways in which al-Qaeda would use  
5 passports. Would you please continue with the explanation you  
6 were providing?

7 A I think I was providing an example saying, for instance,  
8 that the very first large operation that al-Qaeda carried out  
9 against the United States was '98 twin bombings of the  
10 embassies in Kenya and Tanzania.

11 The main money man for the operation was an al-Qaeda  
12 member that was living in Tucson, Arizona, and had bank  
13 accounts in the west and knew how to move money from the west  
14 to West Africa, could travel freely -- because he had an  
15 American passport, he could travel freely in and out of Kenya  
16 and Tanzania without the same kind of scrutiny that someone  
17 with a Middle Eastern passport would have. An American  
18 passport would have a certain value.

19 So, dating back to the first operation that al-Qaeda  
20 carried out against the United States, there's always been a  
21 big value placed on western operatives.

22 Q Did al-Qaeda always send its western recruits back to the  
23 west to carry out operations?

24 A No, not always. Some would, for example, go back on  
25 their own, some would go back because dispatched by al-Qaeda,



Vidino - direct - Cook

1224

1 some would stay on and carry out a variety of other activities  
2 for the organization in Afghanistan and Pakistan.

3 Q You were also asked a series of questions about Anwar  
4 Awlaki. And in your testimony, you said that Awlaki became  
5 prominent in mainstream Muslim circles by the second half of  
6 the 1990s; is that correct?

7 A Correct.

8 Q Did there come a time when Awlaki became prominent in  
9 Jihadist circles?

10 A I would say that's the early to mid 2000s.

11 Q Within the earlier set of Awlaki lectures that you were  
12 asked about, let's say pre 2003, in your review of the  
13 lectures produced by Anwar Awlaki are there any themes in that  
14 earlier work that could relate to later more radical lectures?

15 A What Awlaki does already in the early 2000s, even before  
16 2003, is not calling for violence against the United States,  
17 but it builds a narrative -- and, again, Awlaki was a very  
18 eloquent speaker; he could do it in a way that was very  
19 elegant and would appeal to a lot of western Muslims -- build  
20 a narrative of: Islam is under attack. We are under attack.

21 That's actually the title of one of his lectures, a  
22 lecture he gave in 2002. It's a war against Islam. A lot of  
23 actions, whether it's the U.S. invasion of Afghanistan,  
24 whether it's a counterterrorism operation with the arrest of  
25 some individuals who were running a charity that was funding

Vidino - direct - Cook

1225

1 terrorist activities, those are parts of a big conspiracy of  
2 the war against Islam. That is a narrative that is basically  
3 identical to the one that al-Qaeda Jihadist groups have.

4 So, Awlaki doesn't take it to next level, which is:  
5 What do we do about it? Let's use violence.

6 It's obviously a narrative that is conducive. The  
7 first part, at least for the analysis of the problem, it's  
8 basically identical to al-Qaeda's. It stops short of  
9 suggesting a solution that is al-Qaeda's. It's only around  
10 2005, 2006, that he matures, at least publicly, to advocate  
11 for violence as well.

12

13 (Continued on next page.)

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Vidino - direct - Cook

1226

1 (Continuing.)

2 BY MS. COOK:

3 Q So you just mentioned that 2005, we could point to as a  
4 point in time when al-Awlaki's lectures evolved to a more --  
5 to a -- to more radical themes and ideas?

6 A Correct.

7 Q Is there a specific lecture from 2005 that you are  
8 thinking of when you say that?

9 A The translation, I mentioned it earlier, a translation of  
10 a book by a very prominent Saudi member of al-Qaeda. He was  
11 the leader of al-Qaeda in Saudi Arabia. Yousef al Uayiry.  
12 That's most common transliteration.

13 He was a prominent al-Qaeda member in Saudi Arabia  
14 and a famous scholar as well and he had produced a book --  
15 wrote a book called Constance on the Path of Jihad. And it's  
16 clear that it is jihad in terms of military fighting; not in  
17 terms of inner struggle. Al-Awalki translates that book with  
18 a glowing endorsement and contextualizes it from a western  
19 point of view. It's not just a mere translation, but adds  
20 little things here and there that appeal to a western  
21 audience.

22 In a way it makes it more -- adapts it from a  
23 cultural point of view. The book is written for an Arab  
24 audience. There's a lot of poetry and it's a lot of very  
25 abstract -- very theoretical.

Vidino - direct - Cook

1227

1           The way that al-Awalki translates it and then adds  
2 his little interpretations here and there, it's done clearly  
3 to appeal to western Muslims and the narrative of the book is  
4 about calling for jihad and saying that jihad is constant and  
5 should go on until the day of judgment. You shouldn't stop  
6 fighting jihad until the day of judgment.

7 Q     Dr. Vidino, in your work you studied individual cases of  
8 persons who had radicalized; is that right?

9 A     Yes, that's one of the main things I do and we do at the  
10 Center.

11 Q     And as part of that, have you had occasion to review the  
12 propaganda that has been consumed by those individuals?

13 A     Yes.

14 Q     And within your experience and your review, who is the  
15 most-cited figure that is consumed by persons who are  
16 radicalized?

17 A     In the west, it's no question about it, Anwar al-Awalki.

18           MS. COOK: If I could have a moment, Your Honor.

19           THE COURT: Yes.

20           (Pause in proceedings.)

21           MS. COOK: Nothing further. Thank you.

22           MR. MAHER: Nothing. Thank you.

23           THE COURT: You may step down. Thank you.

24           (Witness is excused.)

25           THE COURT: The Government's next witness?

Vidino - direct - Cook

1228

1 MS. KOMATIREDDY: The Government calles Laila  
2 Arghandiwal.

3 (Witness sworn/affirmed.)

4 THE COURTROOM DEPUTY: Please state and spell your  
5 name for the record.

6 THE WITNESS: Laila Arghandiwal, L-A-I-L-A  
7 A-R-G-H-A-N-D-I-W-A-L.

8 THE COURTROOM DEPUTY: Thank you.

9 You may proceed.

10 MS. KOMATIREDDY: Thank you, Your Honor.

11 (Continued on following page.)  
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Arghandiwal - direct - Komatireddy

1229

1 L A I L A A R G H A N D I W A L ,

2 called by the Government, having been

3 first duly sworn, was examined and testified

4 as follows:

5 DIRECT EXAMINATION

6 BY MS. KOMATIREDDY:

7 Q Ms. Arghandiwal, what do you do for a living?

8 A I work as an independent translator/interpreter for FBI  
9 and Immigration.

10 Q And when you say FBI, do you mean the Federal Bureau of  
11 Investigation?

12 A Yes.

13 Q When you talk about Immigration, are you talking about  
14 the unit that within the Department of Homeland Security?

15 A Yes.

16 Q What languages do you speak?

17 A Pashto and Dari or Farsi.

18 Q And inn what languages do you do your interpretation and  
19 translation work?

20 A Pashto.

21 Q How did you come to learn Pashto?

22 A I'm a native Pashto speaker, born and raised in  
23 Afghanistan.

24 Q How many years did you live in Afghanistan?

25 A 22 years.

Arghandiwal - direct - Komatireddy

1230

1 Q Can you please tell the jury about your educational  
2 background?

3 A I'm sorry?

4 Q Can you please tell the jury a little bit about your  
5 educational background?

6 A I finished high school and finished two years of college  
7 back in Afghanistan.

8 Q Have you received any training with respect to  
9 interpretation and translation?

10 A Yes.

11 Q And where did you receive that training?

12 A Here in the United States.

13 Q As part of what organization?

14 A FBI.

15 Q Are you a certified linguist with the FBI?

16 A Yes.

17 Q And how long have you been a linguist for the FBI?

18 A Twelve years.

19 Q Have you prepared translations for use in court before?

20 A Yes.

21 Q And have you performed translation services in court  
22 before?

23 A Yes.

24 MS. KOMATIREDDY: If I could just show this to the  
25 witness, Your Honor, on the document camera.

Arghandiwal - direct - Komatireddy

1231

1 THE COURT: Okay.

2 MS. KOMATIREDDY: And just for the record, I'm  
3 advised by counsel that we don't have Defense 6 available. So  
4 I'm marking this Government's Exhibit 6 and by stipulation it  
5 is a copy of Defense Exhibit 6.

6 THE COURT: Okay.

7 BY MS. KOMATIREDDY:

8 Q Ms. Arghandiwal, did you have an opportunity to review  
9 this document before coming in to court today?

10 A Yes.

11 Q And do you actually know when this document was written?

12 A I don't know.

13 Q Were you here in court when this document was written?

14 A No.

15 Q Did you watch the person testify?

16 A No.

17 MS. KOMATIREDDY: The Government moves Government's  
18 6 into evidence.

19 MR. MAHER: Objection.

20 THE COURT: Did you object?

21 MR. MAHER: Yes, I did.

22 THE COURT: We don't know what it is.

23 MS. KOMATIREDDY: Your Honor, Defense 6 was received  
24 yesterday. This is just a copy.

25 MR. MAHER: No. I never moved 6 into evidence, Your



Arghandiwal - direct - Komatireddy

1232

1 Honor. It's for identification purposes only.

2 MR. TUCKER: Your Honor received it yesterday.  
3 Defense spoke about it and Your Honor received it in evidence.  
4 It's in the record.

5 THE COURT: Let's go to the record.

6 MR. TUCKER: Yes, sir.

7 THE COURT: Do you need a five-minute break,  
8 Mr. Tucker?

9 MR. TUCKER: Yes, Your Honor. I'm sure if we excuse  
10 the jury, we'll find it right away I'm sure.

11 THE COURT: Okay. Give us five minutes, ladies and  
12 gentlemen.

13 (Jury exits.)

14 (In open court; outside the presence of the jury.)

15 THE COURT: Be seated. You can't stop a city bus on  
16 a dime.

17 MR. TUCKER: And, as I knew, I found it at 892  
18 yesterday. The Government indicated, we didn't object and the  
19 Court said it's received.

20 THE COURT: That was Defense 6?

21 MR. TUCKER: Yes, Your Honor.

22 MR. MAHER: Your Honor, starting on line nine of  
23 that page 892 I say -- Your Honor asked basically, anything  
24 else. I said one more clerical issue. Last week when I cross  
25 examined Mr. Yar, I had him write some language on a piece of

Arghandiwal - direct - Komatireddy

1233

1 paper. I identified that as Defense Exhibit 1 for  
2 identification purposes.

3 I did not move that into evidence. What I'm  
4 proposing is we're going to relabel that Defendant's Exhibit 6  
5 in light of the five exhibits that have come through the Rule  
6 15 deposition. The Court: That's -- Mr. Tucker: Without  
7 objection. The Court says, that's received, and we go on to  
8 other things.

9 THE COURT: I thought you were offering it.

10 MR. MAHER: I didn't say that and if there's  
11 confusion, I wasn't offering it.

12 THE COURT: Why did you botherinng to bring it up if  
13 you weren't offerinngn it?

14 MR. MAHER: Just for our numbering system in the  
15 record. If we go to 7 and there's no 6 --

16 THE COURT: I see the miscommunication. We had a  
17 definite miscommunication.

18 MR. MAHER: I apologize for anything on my end. To  
19 keep the numbering straight if there's a need at a later date,  
20 that's the way the letters jump the way they jump.

21 THE COURT: You thought you were housekeeping to  
22 straighten out the numbers. I thought you had forgotten to  
23 introduce a document that wasn't marked. Mr. Tucker thought  
24 it was received. That is what happened. Now what should we  
25 do about it.

Arghandiwal - direct - Komatireddy

1234

1 MR. MAHER: It also was not done in front of the  
2 jury.

3 THE COURT: That is true, but the Government relied  
4 on it, interpretingn your housekeeping detail the same way I  
5 did. Not that you were unreasonable. Having listened to what  
6 you read, I see what you were trying to do. It was a plain  
7 miscommunication you on the one side and the Government and me  
8 on the other side. So what do we do about it?

9 MR. TUCKER: Your Honor, I'm troubled here. Defense  
10 counsel made a big deal about this exhibit during the  
11 cross-examination of Mr. Yar. I honestly had no idea what  
12 they were doing but this smacks a little bit of tactics  
13 because we've now gotten it translated; the document that  
14 defense counsel made a big show of having the victim translate  
15 in realtime in front of the jury says exactly what his  
16 testimony was. And Your Honor admitted it yesterday.

17 And it's clearly admissible. It happened in front  
18 of the jury. There can't be confusion of where it came from.  
19 The jury saw where it came from.

20 THE COURT: If you had moved it in, I would have  
21 granted it.

22 MR. MAHER: What I saw happening at the time when  
23 that witness was testifying, it appeared also through the  
24 interviews that I was relying on that was provided in 3500  
25 that that gentleman had described those words in different

Arghandiwal - direct - Komatireddy

1235

1 ways.

2 THE COURT: But you heeded the words.

3 MR. MAHER: Right.

4 THE COURT: You said here are the words.

5 MR. MAHER: I heard the words, but that's also  
6 through an interpreter. So I wanted to be sure that we could  
7 verify what those words were. I did not move it in front of  
8 the jury. I don't want to belabor this. I don't think this  
9 is a huge deal. It's just that this was a phrase that was  
10 already in evidence clearly in the record for the Government.  
11 And so I don't think it needs to be highlighted with a piece  
12 of paper emphasizing it. That's the only point.

13 THE COURT: All right. It is the piece of paper  
14 that the witness wrote at your request, which is why I would  
15 have allowed it and why I thought you were offering it and why  
16 I did, in fact, receive it into evidence. That was my intent  
17 to receive it into evidence. It was the Government's  
18 expectation. They planned this on top of it.

19 It's unfortunate there was a miscommunication. I'm  
20 not blaming you, but it would have been perfectly logical for  
21 you not to just correct the numbering system, but to also  
22 offer the exhibit which had not been offered; especially since  
23 you did spend some time on it.

24 I am going to hold that it is in evidence and the  
25 question may be asked.

Arghandiwal - direct - Komatireddy

1236

1 MR. TUCKER: Thank you Your Honor.

2 THE COURT: Okay. Let's have the jury back, please.

3 I was frankly surprised when the government said it  
4 is not available. I was thinking, it is an exhibit in  
5 evidence, how could it not be available.

6 MS. KOMATIREDDY: Your Honor, we would appreciate  
7 the original when it becomes available.

8 MR. MAHER: We have the original. The original is  
9 not right here. The government has the exact replica.

10 THE COURT: Okay. I am going to ask defense counsel  
11 at a convenient time to give the Government or make the  
12 original available to the government. It is one of the  
13 exhibits that I admitted into evidence.

14 MR. MAHER: We gave them a copy of it, but do  
15 another one and make it available. No problem.

16 THE COURT: Misunderstandings happen. Nobody's  
17 fault.

18 Once you let the jury go, they have things to do.  
19 So it will take a minute to line them up.

20 (Jury enters.)

21 THE COURT: Be seated, please. The exhibit is  
22 received.

23 (Government's Exhibit 6 received in evidence.)

24 You may continue.

25 MS. KOMATIREDDY: Thank you, Your Honor.

Arghandiwal - direct - Komatireddy

1237

1 If we may show it to the jury.

2 BY MS. KOMATIREDDY:

3 Q Ms. Arghandiwal, I'm zooming in on Government's Exhibit  
4 6.

5 Do you know the individual who wrote those words?

6 A No.

7 Q What language is this written in?

8 A Pashto.

9 Q And you said you are a native speaker of Pashto?

10 A Yes.

11 MS. KOMATIREDDY: The Government moves to -- tenders  
12 Ms. Arghandiwal as an expert witness in the Pashto language  
13 pursuant to Rule 702.

14 MR. MAHER: No objection.

15 THE COURT: Okay. She may testify as to her  
16 opinion.

17 BY MS. KOMATIREDDY:

18 Q Ms. Arghandiwal, did you prepare a translation of this  
19 document?

20 A Yes.

21 Q I'm showing you what's been marked as Government's  
22 Exhibit 6-T, for the witness only, please.

23 Do you recognize this?

24 A Yes.

25 Q Is this the translation of Government's Exhibit 6 that

Arghandiwal - direct - Komatireddy

1238

1 you prepared?

2 A Yes.

3 Q And is it -- in your opinion, is Government's Exhibit 6-T  
4 a complete and accurate translation from Pashto to English of  
5 Government's Exhibit 6?

6 A Yes, it is.

7 MS. KOMATIREDDY: The Government moves 6-T into  
8 evidence.

9 THE COURT: Same objection?

10 MR. MAHER: Yes.

11 THE COURT: Overruled. It is received.

12 (Government's Exhibit 6-T received in evidence.)

13 (Exhibit broadcast.)

14 Q Showing the jury 6-T, Ms. Arghandiwal, can you please  
15 read your translation from Pashto to English?

16 A "Your brother has died. He's no longer in this world.  
17 AY" -- signed "AY."

18 Q When you prepared this translation, was there any  
19 ambiguity in any of the words that you were translating?

20 A The word "he has died" or "dead," but because it was  
21 written in the past tense, that's the correct translation for  
22 it.

23 Q So the only ambiguity that you saw was whether to  
24 translate it as "has died" or "dead"; is that right?

25 A Yes.

Arghandiwal - direct - Komatireddy

1239

1 Q Is there specific Pashto word for "dying" or "dead"?

2 A No. It is the same, but the wording afterwards --  
3 because it was written in the past tense, after -- the words  
4 after that, that --

5 Q So the word for "dead" is the same?

6 A It's the same.

7 Q No matter what the tense?

8 A Yes.

9 Q And that word is in the Pashto original, Government's  
10 Exhibit 6; is that right?

11 A Yes.

12 Q Is there anything in Government's Exhibit 6 that could be  
13 translated as "make a prayer for him"?

14 A No.

15 MS. KOMATIREDDY: No further questions.

16 THE COURT: Any cross?

17 MR. MAHER: No.

18 THE COURT: You may step down. Thank you.

19 (Witness excused.)

20 THE COURT: The Government's next witness?

21 MR. TUCKER: Your Honor, may we have a brief  
22 sidebar?

23 THE COURT: Yes.

24 (Sidebar held outside of the hearing of the jury.)

25 (Continued on next page.)



Sidebar

1240

1 (The following sidebar took place outside the  
2 hearing of the jury.)

3 MR. TUCKER: That's it for today, Your Honor.

4 THE COURT: Okay. I will send them back. I will  
5 tell them we are going to finish on the early side next week.

6 MR. TUCKER: That's good, Judge. Thanks.

7 (Sidebar concluded.)

8 (Continued on the following page.)

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Proceedings

1241

1 (In open court - jury present.)

2 THE COURT: Ladies and gentlemen, I have good news  
3 and good news. The first good news is we are going to send  
4 you home early today. The second good news is we are going to  
5 finish this case on the early side next week. I cannot give  
6 you a rock-hard guarantee of that, but it seems extremely  
7 likely that on the early side of next week you will get this  
8 case.

9 So, because we are going to be apart for four and a  
10 half days now, I need you to listen carefully. It is kind of  
11 like an airline flight attendant who keeps repeating the  
12 instruction about the seatbelt and you know you've  
13 heard it before so you don't really listen.

14 Please, really listen. It is important if something  
15 happens to the airplane. I do not expect any media to  
16 approach you, but if anyone does, please do not answer any  
17 questions about this case.

18 As you review media, please stay away from anything  
19 that you think in any way from the headline or the first few  
20 words out of the newscaster's mouth that might in any way  
21 touch up this case. You may not communicate with anyone; not  
22 your family member, not your best friend about anything to do  
23 with this case. Just tell them the trial is continuing. You  
24 are still on trial.

25 That is what we say, you are on trial even though

Proceedings

1242

1 it's is no you, we say the people here are on trial because  
2 you are doing a trial. That is all you can say.

3 No research. No Googling, Binging, Yahooing,  
4 Tweeting, Facebooking, nothing to do with this case. Put it  
5 entirely out of your mind and come back fresh to us next  
6 Monday at 9:30 and we will get you the case early next week.  
7 Have a good weekend. Thank you.

8 (Jury exits.)

9 (In open court; outside the presence of the jury.)

10 THE COURT: Okay. Anything else?

11 MR. TUCKER: Just a few quick housekeeping matters,  
12 Judge.

13 Your Honor, we have some evidence that Your Honor  
14 conditionally admitted. I'm requesting we address the court.  
15 We believe that we had laid an adequate foundation and  
16 established the necessary elements so that those pieces of  
17 evidence could come in.

18 The first batch that I would like to address are the  
19 handwritten letters which, for the record, are Government's  
20 Exhibits 701 through 719 and corresponding transcriptions of  
21 those exhibits incorporating the Arabic translations which are  
22 701-T through 719-T. Those were admitted subject to  
23 connection.

24 The final piece obviously being the handwriting  
25 expert's testimony. As Your Honor heard yesterday, there were

Proceedings

1243

1 ample examples of distinctive similarities and the known  
2 exemplars from the defendant and the questioned documents,  
3 those handwritten letters.

4 That, plus the other testimony and evidence  
5 presented thus far about the defendant's activities, his  
6 whereabouts and the other forensics being found in the same  
7 areas of the world referenced in the letters, the Government  
8 submits are sufficient for those to be admitted into evidence.

9 THE COURT: I understand the defendant is  
10 maintaining his objection.

11 MR. MAHER: Yes, sir.

12 THE COURT: I do think that in terms of the  
13 connection being made, the evidence that was submitted after I  
14 conditionally admitted it was more than sufficient to lay the  
15 foundation and put it in.

16 So I am overruling both the initial objections and  
17 any objection that the connection was not made and the  
18 documents are admitted without condition.

19 (Government's Exhibits 701 through 719 and  
20 Government's Exhibits 701-T through 719-T received in  
21 evidence.)

22 MR. TUCKER: Your Honor, Ms. Komatireddy is going to  
23 address our next housekeeping matter and then I have one more  
24 topic.

25 MS. KOMATIREDDY: Along the same lines, the

Proceedings

1244

1 coconspirator statements marked as Government's Exhibits 1201,  
2 1202, 822 and 822-B, communications from Mr. Yar to his family  
3 and Mr. Imam to his family, we had previously briefed the  
4 Court about this and the Court conditionally admitted it on  
5 the condition that we lay a proper foundation that they are  
6 coconspirator statements and in furtherance of the conspiracy  
7 or otherwise.

8           The hearsay section we believe that we have -- the  
9 proper facts have come into evidence. Mr. Ahmedzay yesterday  
10 testified that Mr. Imam was a member of al-Qaeda and had been  
11 so for a year and was present in the FATA when he was there.  
12 Mr. -- Ms. Shoudeywa testified as to defendant's role in  
13 booking tickets for all three of the individuals, that they  
14 traveled together.

15           Mr. Brown's testimony established that they arrived  
16 in Pakistan together. Mr. Yar's testimony established that  
17 they checked into the hotel in Peshawar together. Peshawar  
18 was a capital intake point for al-Qaeda.

19           Those circumstantial -- in addition -- in  
20 combination with the contents of the documents themselves,  
21 which the Court is permitted to consider in the context of  
22 making this determination, we believe more than meets the  
23 preponderance of the evidence threshold for establishing a  
24 conspiracy such that the evidence is admissible.

25           THE COURT: I just want to pin you down a little as

Proceedings

1245

1 to whether you are talking about the big conspiracy that is  
2 al-Qaeda or the small conspriacy that is the three guys or are  
3 you talking about both?

4 MS. KOMATIREDDY: We're talk talking about both,  
5 Your Honor. I think with respect to Mr. Imam's e-mails, which  
6 come in 2007 just a few months -- shortly after the three  
7 leave. Those -- that is still very much close in time to when  
8 the three are on their journey together and I think are  
9 indicative of statements in furtherance of the conspiracy of  
10 the three of them, as well as the larger conspiracy among  
11 al-Qaeda foreign fighters to fight against the west, achieve  
12 paradise in doing so and inform other family members and  
13 recruit other family members to those beliefs.

14 With respect to Mr. Yar, the first letter is  
15 similarly close in time in 2007. The second letter is in  
16 2009. The argument for the second letter is stronger in  
17 connection with the larger al-Qaeda foreign fighters  
18 conspiracy. Although, again, both are applicable because the  
19 conspiracy among the three of them was to go over there and  
20 fight against Americans.

21 And in Mr. Yar's second letter he indicates he is  
22 fighting with al-Qaeda and the Taliban; that he was there and  
23 observed the body of a mujahideen like perfume; that he  
24 personally saw this violence and was part of it.

25 THE COURT: All right. I understand the defense is

Proceedings

1246

1 maintaining its objection on co-conspirator grounds. Is there  
2 anything that you need to add for the record?

3 MR. MAHER: Just one thing I want to add is the  
4 timing as well. That e-mail -- excuse me, the letter, the  
5 second letter from Yar, that the Government is alleging is  
6 from Yar, is in 2009.

7 There is no evidence that -- at least how we're  
8 viewing it, that shows that in March of 2007 that the  
9 conspiracy to commit the charged crimes was afoot.

10 There also is not a link at all that, let's say,  
11 Mr. Ferid Imam in 2000 -- late 2008, 2009, whenever  
12 Mr. Ahmedzay says he thinks he saw Youcef, that does not  
13 connect at all to Al Farekh. So I think those are other  
14 layers that cause problems that --

15 THE COURT: Any reply by the Government?

16 MS. KOMATIREDDY: So, Your Honor, so there is  
17 evidence, first of all, that the conspiracy among the three of  
18 them is still afoot. If the Court recalls Mr. Ahmedzay  
19 identified not Mr. Imam, but also Abdul Hafeez who at the time  
20 was a commander and leader and a member of the extra  
21 operations group.

22 Mr. Murad also identified Abdul Hafeez as an  
23 individual that the defendant worked with and that the  
24 defendant took over his job after Abdul Hafeez was killed.

25 And, so, you see that they actually are working in

Proceedings

1247

1 the same part of al-Qaeda which is external operations.  
2 Mr. Imam is training external operations operatives, the kind  
3 of people that come back here to commit an attack on the New  
4 York subways and the defendant is working with the group that  
5 oversees those operations. So, actually, the specific  
6 conspiracy still remains.

7 In addition, the larger conspiracy is definitely  
8 ongoing. We've put in expert testimony that the larger  
9 al-Qaeda conspiracy involves bringing foreign fighters in from  
10 the west, encouraging the radicalization and bringing them to  
11 the region in Afghanistan and Pakistan; and, as part of that,  
12 reaching back out to family, encouraging them to come to  
13 Pakistan and Afghanistan, encouraging them not to live with  
14 the infidels and proselytizing and furthering the propaganda.  
15 All of those circumstances together we believe establishes a  
16 conspiracy, both the more specific conspiracy and the general  
17 al-Qaeda foreign fighter conspiracy.

18 (Continued on next page.)  
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Proceedings

1248

1 (Continuing)

2 THE COURT: Okay, I think we cannot confuse the fact  
3 that defendant may have an argument to the jury about whether  
4 the Government has met its burden of proof, with the much  
5 lower evidentiary threshold of showing sufficient evidence of  
6 both what I am calling the big and the little conspiracy, to  
7 allow introduction of the evidence itself.

8 Inferences can be drawn from the evidence that  
9 supports the Government's position. Inferences can be drawn  
10 even without the co-conspirator statements that the Government  
11 is trying to get in but, of course, I am allowed to consider  
12 those statements as well in deciding whether there is  
13 sufficient evidence aliunde to allow the co-conspirator  
14 statements in. Clearly, when I put it all together the  
15 Government has shown both enough of the al-Qaeda conspiracy  
16 and the conspiracy between the three friends to allow the  
17 evidence to come in. So, that is my finding on that.

18 What else?

19 MR. TUCKER: Your Honor, with respect to the  
20 deposition, my expectation -- and I've conferred with Counsel  
21 about this is in the event that the jury would like to hear  
22 portions or all of Mr. Murad's testimony again -- we would  
23 handle that read-back in whatever manner the Court wishes in  
24 the same way as with any other witness.

25 What we've prepared and provided in advance to

Proceedings

1249

1 Counsel and the Court is our transcript from the deposition  
2 with the portions that we did not play for the jury redacted.  
3 My proposal, and I'm open to other suggestions, is for us to  
4 move this into evidence and mark it as an Exhibit. But we can  
5 do something else if Your Honor has a better idea.

6 THE COURT: Well, I do not think it really belongs  
7 in evidence.

8 The video is part of the record. The transcript is  
9 an aide to understanding the video; but if the parties agree  
10 on the substance of the transcript, either they can agree that  
11 it comes in or, if they do not want to agree, if the jury asks  
12 for a read-back, we will read it back just like any live  
13 testimony. It is really up to the Defense what you want to  
14 do.

15 MR. RUHNKE: Yes, Your Honor. The transcript should  
16 not go back in. He should be treated just like any other  
17 witness, he just happened to appear via video.

18 THE COURT: Okay.

19 There is agreement on the substance of the  
20 transcript, right?

21 MR. TUCKER: Yes, I believe so.

22 MR. MAHER: Yes.

23 MR. TUCKER: That's fine with the Government.

24 The reason it sort of came to front of mind today,  
25 Your Honor, is there was a media request for the transcript

Proceedings

1250

1 from the deposition. Normally, what we do in court, the  
2 transcripts are obviously available to the media and so, I  
3 think that this would be the same. All the issues are  
4 addressed in the way we've handled the transcript. I just  
5 wanted to think about how we're dealing with it.

6 THE COURT: You know, it might be the same for the  
7 press, that is a question of the relationship between your  
8 office and the press. But in terms of the record in this  
9 Court then I think we have got to read it back just like we  
10 read any witness's testimony back.

11 Now, I will say that it happens very frequently when  
12 juries, during their deliberations, ask for a lot of read-back  
13 that the parties agree rather than doing a live read-back that  
14 takes two or three hours, to just copy the transcript and give  
15 it to them. We may end up using this the same way. I think I  
16 have the discretion to do that, even if there is not  
17 agreement. I guess it is another step in that discretion when  
18 the transcript is not the official record of the case, but I  
19 may do that anyway. All right?

20 For now, though, I am not going to admit it. We  
21 will use it as-needed when it comes up.

22 MR. MAHER: One thing, if I might, Your Honor, that  
23 we discussed with the Government is this specific transcript  
24 that Mr. Tucker is referring to, the Defense also wants to be  
25 part of the record; not part of the trial Exhibit record but

Proceedings

1251

1 because when this deposition was played in court, the court  
2 reporters did not take down what was said on the tape, so this  
3 is an accurate recordation of everything that the witness  
4 said. So we want to be part of the case record, but not the  
5 trial Exhibits that have been admitted that would go to a  
6 jury.

7 THE COURT: Okay.

8 The first part of your request is again, up to the  
9 parties. If they want to put it on the docket so that The  
10 Court of Appeals can see it, they can agree to do that.  
11 Otherwise, The Court of Appeals has the video, just like I  
12 did, and has to do the best it can with it.

13 So, whatever you agree to, that is fine, but the  
14 transcript, unless you both agree, is not properly part of the  
15 trial record. There might be a trade here that you can make.

16 MR. TUCKER: I think we can sort this out, Judge.

17 THE COURT: Okay.

18 MR. TUCKER: We will get back to the Court.

19 THE COURT: Okay.

20 MR. MAHER: Thank you.

21 MR. TUCKER: The last thing, we've already relayed  
22 this to both to the Court and Defense Counsel, it's the  
23 Government's expectation that our witnesses on Monday will not  
24 take the whole day. I think about half a day. It's  
25 Mr. Kohlmann and a records custodian and a few shorter fact

Proceedings

1252

1 witnesses.

2 I guess at that point, then, the question is will we  
3 do a charge conference on Monday afternoon?

4 THE COURT: Well, I do not really want to plan the  
5 charge conference until I know what, if any, case the Defense  
6 is going to put on.

7 I take it at this point the Defense is not prepared  
8 to tell us that. Or is it?

9 MR. RUHNKE: The word minimal comes to mind,  
10 Your Honor.

11 THE COURT: Okay.

12 MR. RUHNKE: As the maximum will be minimal.

13 THE COURT: Then let's plan on this. I will try to  
14 get you the proposed charge on Sunday and then, if we finish  
15 at a reasonable time Monday, we will have our charge  
16 conference then, and we will have closings and charge to the  
17 jury on Tuesday. If it leaks into Tuesday, it does, but  
18 certainly by Wednesday we should be there. The only thing I  
19 would like to prevent, if I can, is having one of you close, I  
20 guess the Government do its closing on one day and having the  
21 jury go home and then coming back the next day to hear another  
22 closing. If we can avoid that, we should. But it could  
23 happen.

24 It could happen, for example, if we went on Tuesday  
25 and we finished by 1:00 o'clock. I am not going to lose the

Proceedings

1253

1 half a day, I do not think, to have the Government wait until  
2 Wednesday to close. Maybe I would, I don't know.

3 I will let you try to talk me into it if that is  
4 what you want to do.

5 MR. MAHER: Right now?

6 THE COURT: No, no. Not right now. Let's see what  
7 happens on Monday. Hopefully, everything will finish on  
8 Monday and then we can just go to the final round on Tuesday.

9 Okay. Is there anything else?

10 MR. RUHNKE: Just one additional matter, Your Honor.

11 I'm looking at the expert disclosure about Evan  
12 Kohlmann for Monday. There is a reference to that he will  
13 testify regarding the creation and circulation of specific  
14 jihadist propaganda including. And then there's a list of  
15 half a dozen or more videos.

16 Does the Government intend to play these videos, is  
17 my question. It's unclear from the disclosure.

18 THE COURT: I am sure they do not intend to play  
19 them all because they would not have said Monday if they did.

20 What are you going to do?

21 MS. KOMATIREDDY: Your Honor, we don't intend to  
22 play them all. We do intend to play Government's Exhibit 506,  
23 which I handed to the Defense last week, which are excerpts  
24 from Lees Life of Lies, the video that the defendant is  
25 depicted watching in Government's Exhibit 503.

Proceedings

1254

1           And we do intend to go through certain excerpts from  
2 the various al-Awlaki lectures that there is in evidence, that  
3 the defendant was watching or had access to based on his  
4 e-mail traffic.

5           MR. RUHNKE: Your Honor, there is actually no  
6 evidence of that. There is one e-mail to his father, and from  
7 his father, saying: I suggest you look at these. But there's  
8 no other evidence that he ever looked at an al-Awlaki video.

9           THE COURT: How much more do you need? If he is  
10 telling his father to look at these, doesn't that imply that  
11 he has looked at them?

12           MR. RUHNKE: There are particular -- there's one  
13 video that he suggests his brother order. That's it. If the  
14 Government's going to play a series of or describe excerpts  
15 from videos that there's no evidence that he ever watched, I  
16 mean, the general access, the whole world had access to these  
17 videos by a click of the computer.

18           THE COURT: Right.

19           MS. KOMATIREDDY: For the record, Your Honor, I  
20 don't mean for any of this to be a mystery. In the e-mails  
21 that were admitted there are different links that are sent to  
22 the defendant or sent by the defendant. Some of those links  
23 are -- referred to al-Awlaki lectures, check them out, hear  
24 they're interesting. There's a link to a website.

25           Mr. Kohlmann will testify that he went to that

Proceedings

1255

1 website during the same time frame, when it was up, and that  
2 when you see what that website looked like at that time  
3 frame -- which the Defense has access to because we marked  
4 those websites as Exhibits and turned them over to the Defense  
5 so they have exactly what we intend to admit -- you will see  
6 on the website a number of links to al-Awlaki lectures,  
7 including radical al-Awlaki lectures, that advocate for jihad.

8 THE COURT: I understand.

9 MR. RUHNKE: I think it's too attenuated a  
10 connection.

11 THE COURT: Look, I will let you, since you have the  
12 link -- you have the link to the website but you do not know  
13 exactly which ones he was referring to on the website; it  
14 could have been all, could have been a subset. So, if you  
15 want to give a short sampling of what is on that website that  
16 the defendant knew of or offered the link, that is fine.  
17 Let's not belabor that, please.

18 MS. KOMATIREDDY: Absolutely, Your Honor. We are  
19 not planning to play excerpts from every al-Awlaki lecture.

20 THE COURT: Yes, well.

21 MS. KOMATIREDDY: I will be as transparent as  
22 possible based on my current plan. My intention is to have  
23 Mr. Kohlmann, who has a great depth of knowledge about  
24 al-Awlaki lectures, briefly summarize for the jury the content  
25 of some of the lectures, not all of them, so they don't have



Proceedings

1256

1 to listen to the whole thing.

2 THE COURT: All of those lectures available at the  
3 link that the defendant sent or was apprised of.

4 MS. KOMATIREDDY: Exactly, Your Honor.

5 We will go through the website, you will see it,  
6 exactly what he would have seen at the time. We will pick a  
7 few as examples. We will have Mr. Kohlmann summarize them.  
8 For one or two I would like to play excerpts because, as the  
9 expert testified today, al-Awlaki was uniquely influential  
10 because of his cadence and his ability to persuade and the way  
11 he spoke in English, and I think it would be probative to give  
12 a sampling of that. We are not planning to play full lectures  
13 to any extent.

14 THE COURT: One or two short excerpts.

15 MS. KOMATIREDDY: Yes, sir.

16 MR. RUHNKE: Your Honor, the difficulty with that,  
17 first of all, if Mr. Kohlmann is going to summarize what's  
18 there, nowhere have we been put on notice as to what those  
19 summaries are, of what's in those lectures. There's a list of  
20 various links or various, the links aren't even there.  
21 There's a list of various creation -- here's what it says:  
22 Mr. Kohlmann will testify regarding the creation and  
23 circulation of specific jihadist propaganda including. And  
24 then there's a list of items.

25 There's no summary here and I just don't, again,

Proceedings

1257

1 this is dated September 11, 2017.

2 THE COURT: Well, we are giving you a four-day break  
3 to catch up on it.

4 MR. RUHNKE: I need to know what the summaries are,  
5 Your Honor. I don't think I can go to links now from what was  
6 going on in 2007 and pick up the same videos.

7 MS. KOMATIREDDY: Again, I'm going to go beyond what  
8 we normally do in terms of our notice and just lay this out as  
9 clearly as possible so Defense Counsel can use their weekend  
10 wisely.

11 If you look at the Exhibits that we've turned over  
12 in the 1000 series, the 1000 series has screen shots of the  
13 websites the defendant was apprised of or sent around in 2006  
14 and 2007. Those screen shots list the number of al-Awlaki  
15 lectures. Mr. Kohlmann's 3500 has his prior descriptions that  
16 we've already disclosed has descriptions of those lectures,  
17 including: Constants of the Jihad; Allah is Preparing Us For  
18 Victory; It's a War Against Islam; Hijrah. Those, off the top  
19 of my head, are the four most prominent. Another one is  
20 called Mashari al-Ashwaq. The five most prominent jihadist  
21 lectures. In addition, we have disclosed in 3500 specifically  
22 traded for this case, summaries of those lectures with  
23 excerpts and lines and quotes from the lectures.

24 THE COURT: Mr. Ruhnke, that is what you get. That  
25 is fine.

Proceedings

1258

1 MR. RUHNKE: There's 190 Jencks Exhibits associated  
2 with Mr. Kohlmann.

3 THE COURT: Not summarizing those particular  
4 lectures, right? That is in one place. You have that.

5 MR. RUHNKE: Okay. If the Government is going to be  
6 particularly transparent and over and above, I would  
7 appreciate some help directing me to where those summaries are  
8 within the body.

9 THE COURT: Why can't we do that, just for the sake  
10 of pace in the world.

11 MS. KOMATIREDDY: Not a problem, Your Honor.

12 THE COURT: Try to get them that by Friday morning.

13 MR. RUHNKE: But I maintain my objection that absent  
14 a showing that our client actually looked at any of these, it  
15 becomes simply a vehicle to have a witness say there is a call  
16 to jihad that's issued by this particular cleric with no  
17 evidence at all that our client ever saw such a video.

18 THE COURT: If he is sending or receiving the link,  
19 that is certain evidence that he had access.

20 MR. RUHNKE: Well, if you look at the links, if I am  
21 correct about what the links are, there are dozens if not more  
22 lectures of Mr. Al-Awlaki available on the links.

23 THE COURT: That is why we are only going to use a  
24 sampling. And if there are benign videos, like the ones  
25 Mr. Maher referred to in cross-examination, you use that on

Proceedings

1259

1 cross-examination. You say, for all you know, my client was  
2 watching this one and show a lecture.

3 MR. RUHNKE: But again, I don't think the Government  
4 has made a sufficient threshold showing by the fact that he  
5 had circulated a link to a, what is a catalog of lectures that  
6 he's got any knowledge at all of the content of any particular  
7 lecture that the Government wants to offer as relevant to this  
8 case.

9 THE COURT: I see your point, but I think that  
10 having the links recommending and being recommended to the  
11 links is sufficient to sample the links. So, I am going to  
12 overrule your objection.

13 All right, is there anything else?

14 MR. TUCKER: That's it from the Government,  
15 Your Honor.

16 MR. RUHNKE: And that's it for us.

17 THE COURT: Have a good weekend.

18 ALL: Thank you, Your Honor.

19

20 (Matter adjourned to Monday, September 25th, 2017 at  
21 9:30 a.m.)

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|    |   |      |
|----|---|------|
|    | INDEX                                     | 1260 |
| 1  | WITNESS                                   | PAGE |
| 2  | ZAREIN AHMEDZAY                           | 1087 |
| 3  | CROSS-EXAMINATION BY MR. RUHNKE           | 1087 |
| 4  | REDIRECT EXAMINATION BY MR. PRAVDA        | 1115 |
| 5  | LORENZO VIDINO                            |      |
| 6  | DIRECT EXAMINATION BY MS. COOK            | 1122 |
| 7  | CROSS-EXAMINATION BY MR. MAHER            | 1185 |
| 8  | LAILA ARGHANDIWAL                         | 1229 |
| 9  | DIRECT EXAMINATION BY MS. KOMATIREDDY     | 1229 |
| 10 |   |      |
| 11 | EXHIBITS                                  | page |
| 12 | Defendant's Exhibit 9                     | 1092 |
| 13 | Government Exhibit 212                    | 1147 |
| 14 | Defendant's Exhibit 10                    | 1203 |
| 15 | Government's Exhibit 6                    | 1236 |
| 16 | Government's Exhibit 6-T                  | 1238 |
| 17 | Government's Exhibits 701 through 719 and | 1243 |
| 18 | Government's Exhibits 701-T through 719-T |      |
| 19 |   |      |
| 20 |   |      |
| 21 |   |      |
| 22 |   |      |
| 23 |   |      |
| 24 |   |      |
| 25 |   |      |

|   |  |  |
|---|--|--|
| <b>\$</b>   | <b>1998</b> [3] - 1147:20, 1193:22, 1218:12<br><b>1:00</b> [1] - 1252:25<br><b>1:15</b> [2] - 1184:14, 1184:20   | <b>4</b>   |
| <b>\$100</b> [4] - 1095:7, 1095:10, 1116:19, 1116:22<br><b>\$12,000</b> [1] - 1132:23<br><b>\$250</b> [1] - 1132:21 | <b>2</b>   | <b>40</b> [1] - 1138:15<br><b>403</b> [4] - 1081:9, 1083:10, 1179:16, 1179:17<br><b>47</b> [1] - 1080:22   |
| <b>'</b>  | <b>20</b> [1] - 1080:7<br><b>200</b> [2] - 1147:23, 1190:17<br><b>2000</b> [5] - 1144:13, 1147:15, 1147:24, 1179:9, 1246:11<br><b>2000s</b> [11] - 1151:5, 1155:1, 1161:24, 1163:14, 1174:25, 1181:25, 1182:21, 1202:8, 1205:2, 1224:10, 1224:15<br><b>2001</b> [10] - 1108:22, 1148:5, 1148:9, 1148:13, 1148:23, 1150:7, 1150:24, 1161:24, 1163:22, 1179:9<br><b>2002</b> [2] - 1150:7, 1224:22<br><b>2003</b> [5] - 1151:6, 1178:10, 1205:8, 1224:12, 1224:16<br><b>2004</b> [5] - 1126:22, 1151:10, 1155:3, 1156:21, 1175:14<br><b>2005</b> [7] - 1129:13, 1129:21, 1183:3, 1205:11, 1225:10, 1226:3, 1226:7<br><b>2006</b> [6] - 1100:17, 1183:3, 1205:17, 1207:2, 1225:10, 1257:13<br><b>2007</b> [15] - 1128:17, 1151:6, 1151:10, 1155:3, 1156:21, 1182:13, 1205:5, 1205:18, 1206:11, 1207:2, 1245:6, 1245:15, 1246:8, 1257:6, 1257:14<br><b>2008</b> [3] - 1128:17, 1182:14, 1246:11<br><b>2009</b> [5] - 1101:4, 1128:17, 1245:16, 1246:6, 1246:11<br><b>2010</b> [2] - 1092:16, 1206:24<br><b>2011</b> [3] - 1119:5, 1207:4, 1207:6<br><b>2015</b> [1] - 1123:14<br><b>2016</b> [1] - 1206:1<br><b>2017</b> [6] - 1080:7, 1092:10, 1118:20, 1125:11, 1257:1, 1259:20<br><b>206</b> [5] - 1137:3, 1137:8, 1141:25, 1149:22, 1149:23<br><b>21</b> [1] - 1100:18<br><b>212</b> [5] - 1146:15, 1146:23, 1147:1, 1147:5, 1260:13<br><b>22</b> [2] - 1097:4, 1229:25<br><b>23</b> [1] - 1097:4<br><b>233</b> [1] - 1080:20<br><b>24/7</b> [1] - 1123:12<br><b>25th</b> [1] - 1259:20<br><b>271</b> [1] - 1080:15<br><b>2be</b> [1] - 1086:8 | <b>5</b><br><b>503</b> [1] - 1253:25<br><b>506</b> [1] - 1253:22<br><b>562</b> [1] - 1112:20   |
| <b>1</b>  | <b>1</b> [2] - 1125:11, 1233:1<br><b>10</b> [9] - 1093:15, 1202:18, 1203:3, 1203:8, 1203:11, 1203:17, 1211:4, 1260:14<br><b>100</b> [1] - 1207:19<br><b>1000</b> [2] - 1257:12<br><b>10019</b> [1] - 1080:25<br><b>10279</b> [1] - 1080:20<br><b>1087</b> [2] - 1260:2, 1260:3<br><b>1092</b> [1] - 1260:12<br><b>11</b> [2] - 1148:5, 1257:1<br><b>110</b> [1] - 1216:16<br><b>1115</b> [1] - 1260:4<br><b>11201</b> [1] - 1080:15<br><b>1122</b> [1] - 1260:6<br><b>1147</b> [1] - 1260:13<br><b>1185</b> [1] - 1260:7<br><b>11:42</b> [1] - 1165:21<br><b>12</b> [3] - 1190:10, 1212:18, 1216:4<br><b>1201</b> [1] - 1244:1<br><b>1202</b> [1] - 1244:2<br><b>1203</b> [1] - 1260:14<br><b>1229</b> [2] - 1260:8, 1260:9<br><b>1236</b> [1] - 1260:15<br><b>1238</b> [1] - 1260:16<br><b>1243</b> [1] - 1260:17<br><b>13</b> [1] - 1092:10<br><b>15</b> [4] - 1095:24, 1165:20, 1166:4, 1233:6<br><b>15-CR-00266</b> [1] - 1080:3<br><b>150</b> [2] - 1190:10, 1190:17<br><b>1745</b> [1] - 1080:24<br><b>17th</b> [1] - 1080:24<br><b>19</b> [1] - 1205:25<br><b>19..</b> [1] - 1188:12<br><b>190</b> [1] - 1258:1<br><b>1927</b> [1] - 1190:23<br><b>1980s</b> [1] - 1142:25<br><b>1988</b> [2] - 1133:1, 1141:21<br><b>1990s</b> [3] - 1200:15, 1202:7, 1224:6<br><b>1996</b> [2] - 1144:13, 1147:15   | <b>6</b><br><b>6</b> [17] - 1093:15, 1231:3, 1231:4, 1231:5, 1231:18, 1231:23, 1231:25, 1232:20, 1233:4, 1233:15, 1236:23, 1237:4, 1237:25, 1238:5, 1239:10, 1239:12, 1260:15<br><b>6-T</b> [6] - 1237:22, 1238:3, 1238:7, 1238:12, 1238:14, 1260:16   |
|   | <b>3</b>   | <b>7</b><br><b>7</b> [1] - 1233:15<br><b>701</b> [3] - 1242:20, 1243:19, 1260:17<br><b>701-T</b> [3] - 1242:22, 1243:20, 1260:18<br><b>702</b> [3] - 1083:8, 1083:12, 1237:13<br><b>7042</b> [1] - 1080:22<br><b>719</b> [3] - 1242:20, 1243:19, 1260:17<br><b>719-T</b> [3] - 1242:22, 1243:20, 1260:18   |
|   |  | <b>8</b><br><b>801</b> [1] - 1080:20<br><b>801(d)(1)(A)</b> [1] - 1089:22<br><b>822</b> [1] - 1244:2<br><b>822-B</b> [1] - 1244:2<br><b>85</b> [1] - 1133:22<br><b>892</b> [2] - 1232:17, 1232:23  |
|   |  | <b>9</b><br><b>9</b> [4] - 1088:12, 1092:3, 1206:1, 1260:12<br><b>9/11</b> [8] - 1111:25, 1112:1, 1129:23, 1179:5, 1179:13, 1179:22, 1180:1, 1194:5<br><b>90</b> [1] - 1133:22<br><b>9:30</b> [3] - 1080:8, 1242:6, 1259:21  |
|   |  | <b>A</b><br><b>A-R-G-H-A-N-D-I-W-A-L</b> [1] - 1228:7<br><b>a.m</b> [3] - 1211:4, 1259:21<br><b>A.M</b> [1] - 1080:8<br><b>ABC</b> [1] - 1162:23<br><b>Abdallah</b> [8] - 1213:7, 1213:8, 1213:10, 1213:12, 1214:11, 1214:18, 1216:23, 1217:2<br><b>Abdul</b> [7] - 1107:25, 1110:6, 1113:6, 1206:4, 1246:19, 1246:22, 1246:24<br><b>Abdullah</b> [7] - 1135:2, 1161:5, 1212:12, 1213:10, 1214:11, 1214:17 |

|   |  |  |
|---|--|--|
| <p><b>aberrant</b> [1] - 1081:19</p> <p><b>ability</b> [6] - 1117:8, 1177:12, 1177:20, 1177:21, 1221:11, 1256:10</p> <p><b>able</b> [9] - 1081:3, 1137:6, 1137:12, 1146:16, 1150:8, 1152:18, 1154:17, 1159:21, 1203:3</p> <p><b>aboard</b> [1] - 1207:17</p> <p><b>abroad</b> [1] - 1124:2</p> <p><b>absence</b> [1] - 1156:2</p> <p><b>absent</b> [1] - 1258:13</p> <p><b>absolutely</b> [14] - 1086:19, 1120:19, 1165:9, 1166:22, 1182:8, 1192:2, 1196:5, 1200:25, 1201:16, 1208:7, 1208:10, 1209:11, 1221:10, 1255:18</p> <p><b>Absolutely</b> [6] - 1207:15, 1208:12, 1209:10, 1210:23, 1219:20, 1220:2</p> <p><b>absorbing</b> [1] - 1210:5</p> <p><b>absorption</b> [2] - 1210:4, 1210:13</p> <p><b>abstract</b> [1] - 1226:25</p> <p><b>abu</b> [1] - 1175:24</p> <p><b>Abu</b> [17] - 1159:13, 1159:18, 1159:21, 1161:4, 1161:5, 1175:24, 1197:7, 1197:8, 1197:9, 1197:14, 1197:18, 1197:21, 1213:6, 1213:8, 1216:18, 1216:23, 1217:2</p> <p><b>abundance</b> [1] - 1085:1</p> <p><b>academic</b> [4] - 1083:25, 1207:14, 1207:18, 1207:20</p> <p><b>academics</b> [2] - 1183:14, 1207:10</p> <p><b>accent</b> [1] - 1126:3</p> <p><b>acceptable</b> [1] - 1168:23</p> <p><b>accepted</b> [4] - 1207:13, 1207:17, 1207:20, 1208:4</p> <p><b>access</b> [6] - 1110:3, 1254:3, 1254:16, 1255:3, 1258:19</p> <p><b>accompanied</b> [1] - 1156:20</p> <p><b>account</b> [1] - 1117:10</p> <p><b>accounts</b> [1] - 1223:13</p> <p><b>accurate</b> [6] - 1192:22, 1203:9, 1204:4, 1204:19, 1238:4, 1251:3</p> <p><b>accusations</b> [1] - 1170:20</p> <p><b>acetone</b> [3] - 1101:17, 1101:19, 1101:24</p> <p><b>achieve</b> [7] - 1139:20, 1140:2, 1140:4, 1140:6, 1145:20, 1172:7, 1245:11</p> <p><b>achieved</b> [1] - 1174:4</p> <p><b>acknowledging</b> [1] - 1194:11</p> <p><b>acquiring</b> [1] - 1101:14</p> <p><b>act</b> [2] - 1111:8, 1127:2</p> <p><b>action</b> [5] - 1081:13, 1147:15, 1148:10, 1151:9, 1161:19</p> <p><b>actions</b> [1] - 1224:23</p> <p><b>activities</b> [7] - 1123:9, 1133:5, 1141:5, 1208:3, 1224:1, 1225:1, 1243:5</p> <p><b>activity</b> [1] - 1161:22</p> <p><b>actors</b> [1] - 1126:12</p> <p><b>acts</b> [5] - 1105:12, 1117:12, 1117:13, 1183:17, 1209:8</p> <p><b>Adam</b> [3] - 1175:13, 1175:19, 1175:21</p> <p><b>adapts</b> [1] - 1226:22</p> <p><b>add</b> [2] - 1246:2, 1246:3</p> <p><b>added</b> [1] - 1183:9</p> | <p><b>addition</b> [6] - 1083:5, 1086:9, 1131:12, 1244:19, 1247:7, 1257:21</p> <p><b>additional</b> [2] - 1086:9, 1253:10</p> <p><b>address</b> [4] - 1081:4, 1242:14, 1242:18, 1243:23</p> <p><b>addressed</b> [3] - 1092:13, 1213:6, 1250:4</p> <p><b>adds</b> [2] - 1226:19, 1227:1</p> <p><b>Aden</b> [1] - 1148:1</p> <p><b>adequate</b> [1] - 1242:15</p> <p><b>adhered</b> [1] - 1162:12</p> <p><b>Adis</b> [1] - 1102:13</p> <p><b>Adis's</b> [1] - 1102:16</p> <p><b>adjourned</b> [1] - 1259:20</p> <p><b>Administered</b> [1] - 1149:18</p> <p><b>administrative</b> [1] - 1096:21</p> <p><b>Administrative</b> [1] - 1107:16</p> <p><b>admissibility</b> [1] - 1084:4</p> <p><b>admissible</b> [2] - 1234:17, 1244:24</p> <p><b>admission</b> [1] - 1146:22</p> <p><b>admit</b> [4] - 1214:25, 1215:2, 1250:20, 1255:5</p> <p><b>admitted</b> [14] - 1090:2, 1137:2, 1203:16, 1216:15, 1234:16, 1236:13, 1242:14, 1242:22, 1243:8, 1243:14, 1243:18, 1244:4, 1251:5, 1254:21</p> <p><b>adopts</b> [1] - 1170:9</p> <p><b>advance</b> [1] - 1248:25</p> <p><b>advise</b> [2] - 1111:17, 1111:18</p> <p><b>advised</b> [1] - 1231:3</p> <p><b>advocacy</b> [1] - 1205:16</p> <p><b>advocate</b> [5] - 1205:5, 1206:11, 1206:18, 1225:10, 1255:7</p> <p><b>advocated</b> [1] - 1206:17</p> <p><b>advocating</b> [1] - 1205:14</p> <p><b>ADX</b> [3] - 1096:21, 1097:4, 1097:16</p> <p><b>affairs</b> [1] - 1126:8</p> <p><b>affect</b> [4] - 1084:3, 1192:24, 1193:2, 1193:3</p> <p><b>affiliate</b> [7] - 1157:19, 1158:25, 1189:14, 1199:11, 1199:13, 1199:14, 1199:18</p> <p><b>affiliate's</b> [1] - 1166:23</p> <p><b>affiliated</b> [1] - 1190:9</p> <p><b>affiliates</b> [4] - 1157:17, 1166:17, 1166:20, 1199:21</p> <p><b>Affiliates</b> [1] - 1157:21</p> <p><b>Afghan</b> [6] - 1133:11, 1135:25, 1144:11, 1148:16, 1149:2, 1173:10</p> <p><b>Afghanistan</b> [6] - 1106:23, 1108:20, 1108:21, 1109:19, 1109:23, 1110:9, 1131:1, 1133:1, 1133:2, 1133:4, 1133:7, 1133:15, 1133:25, 1134:3, 1134:7, 1134:14, 1134:23, 1135:4, 1135:6, 1135:15, 1135:22, 1135:23, 1137:16, 1137:21, 1142:1, 1142:7, 1142:8, 1142:14, 1142:16, 1142:17, 1142:20, 1143:1, 1143:4, 1143:9, 1143:12, 1144:1, 1144:3, 1144:4, 1144:10, 1148:14, 1148:18, 1148:19, 1148:20, 1148:22, 1149:4, 1149:7, 1151:9, 1154:25, 1156:22, 1157:5,</p> | <p>1162:24, 1170:4, 1199:7, 1220:1, 1224:2, 1224:23, 1229:23, 1229:24, 1230:7, 1247:11, 1247:13</p> <p><b>Afghans</b> [2] - 1133:9, 1133:15</p> <p><b>afoot</b> [2] - 1246:9, 1246:18</p> <p><b>Africa</b> [2] - 1158:8, 1223:14</p> <p><b>AFTERNOON</b> [2] - 1184:23, 1185:1</p> <p><b>afternoon</b> [3] - 1185:16, 1185:17, 1252:3</p> <p><b>afterwards</b> [1] - 1239:2</p> <p><b>age</b> [1] - 1176:12</p> <p><b>agencies</b> [3] - 1123:17, 1123:19, 1124:2</p> <p><b>agenda</b> [1] - 1167:21</p> <p><b>agents</b> [1] - 1099:16</p> <p><b>aggressively</b> [1] - 1148:17</p> <p><b>ago</b> [2] - 1092:11, 1147:4</p> <p><b>agree</b> [14] - 1086:6, 1090:1, 1152:24, 1194:23, 1195:6, 1208:8, 1213:24, 1249:9, 1249:10, 1249:11, 1250:13, 1251:10, 1251:13, 1251:14</p> <p><b>agreement</b> [7] - 1084:2, 1087:14, 1090:7, 1090:18, 1098:5, 1249:19, 1250:17</p> <p><b>ahead</b> [4] - 1114:3, 1114:7, 1173:15, 1177:11</p> <p><b>Ahmedzay</b> [7] - 1115:16, 1117:12, 1118:7, 1118:19, 1120:15, 1244:9, 1246:12</p> <p><b>AHMEDZAY</b> [1] - 1260:2</p> <p><b>ahmedzay</b> [1] - 1246:18</p> <p><b>aid</b> [1] - 1104:17</p> <p><b>aide</b> [1] - 1249:9</p> <p><b>airline</b> [1] - 1241:11</p> <p><b>airplane</b> [1] - 1241:15</p> <p><b>Airport</b> [1] - 1101:9</p> <p><b>airport</b> [1] - 1101:9</p> <p><b>airports</b> [1] - 1155:17</p> <p><b>Akbar</b> [1] - 1114:22</p> <p><b>al</b> [297] - 1082:9, 1082:11, 1082:13, 1103:7, 1103:21, 1107:23, 1108:13, 1109:3, 1110:7, 1112:4, 1113:7, 1123:11, 1127:2, 1128:14, 1129:12, 1129:14, 1129:18, 1129:25, 1130:9, 1130:21, 1132:14, 1132:24, 1132:25, 1133:23, 1134:25, 1135:7, 1135:8, 1135:9, 1135:18, 1135:20, 1135:23, 1137:10, 1137:17, 1137:22, 1138:18, 1139:25, 1140:4, 1140:10, 1141:9, 1141:12, 1141:14, 1141:15, 1141:18, 1142:3, 1143:3, 1143:6, 1143:8, 1143:11, 1143:16, 1143:23, 1143:25, 1144:1, 1144:14, 1144:16, 1144:25, 1145:4, 1145:8, 1145:14, 1145:22, 1145:24, 1146:3, 1146:6, 1147:13, 1147:15, 1147:24, 1148:2, 1148:4, 1148:14, 1148:23, 1148:25, 1149:12, 1149:14, 1150:6, 1150:8, 1150:21, 1150:23, 1151:2, 1151:6, 1151:11, 1152:18, 1154:8, 1154:14, 1154:18, 1154:24, 1155:5, 1155:20, 1156:9, 1157:17, 1157:20, 1157:22, 1157:25,</p> |
|---|--|--|

|  |   |  |
|--|---|--|
| <p>1158:1, 1158:4, 1158:5, 1158:7, 1158:25, 1159:14, 1159:15, 1159:23, 1160:4, 1160:5, 1160:7, 1161:3, 1161:6, 1161:10, 1161:15, 1161:24, 1162:3, 1162:14, 1162:16, 1162:19, 1163:5, 1163:9, 1163:16, 1163:17, 1164:7, 1164:8, 1164:16, 1165:9, 1165:12, 1166:16, 1166:17, 1166:20, 1166:21, 1166:24, 1167:20, 1168:4, 1169:7, 1169:10, 1170:8, 1172:13, 1172:14, 1172:16, 1173:3, 1173:5, 1173:6, 1173:13, 1173:20, 1173:22, 1174:2, 1174:9, 1174:13, 1174:15, 1174:23, 1175:11, 1175:18, 1175:19, 1175:25, 1176:5, 1176:6, 1176:7, 1176:9, 1176:18, 1177:5, 1177:19, 1177:24, 1178:8, 1178:10, 1178:11, 1179:4, 1179:8, 1179:13, 1179:21, 1179:23, 1181:4, 1181:8, 1181:12, 1181:17, 1181:21, 1181:25, 1182:1, 1182:3, 1182:13, 1183:4, 1183:8, 1185:21, 1187:14, 1187:20, 1188:9, 1188:10, 1188:12, 1188:19, 1189:4, 1189:13, 1193:5, 1193:6, 1193:7, 1193:11, 1193:14, 1193:24, 1194:2, 1194:5, 1194:7, 1194:10, 1194:23, 1195:11, 1195:25, 1196:3, 1196:19, 1197:8, 1197:9, 1197:14, 1197:18, 1197:21, 1197:24, 1198:4, 1198:9, 1198:10, 1198:13, 1198:17, 1199:5, 1199:11, 1199:14, 1199:15, 1199:23, 1200:1, 1200:3, 1200:4, 1201:1, 1201:17, 1202:4, 1202:8, 1203:6, 1203:9, 1204:5, 1204:8, 1205:12, 1205:22, 1206:11, 1212:7, 1212:10, 1212:12, 1213:7, 1213:9, 1214:10, 1214:18, 1216:18, 1216:20, 1216:23, 1217:2, 1217:3, 1218:7, 1218:15, 1218:24, 1219:13, 1219:18, 1219:23, 1220:3, 1220:4, 1220:14, 1220:24, 1221:7, 1221:15, 1223:4, 1223:8, 1223:11, 1223:19, 1223:22, 1223:25, 1225:3, 1225:8, 1225:9, 1226:4, 1226:10, 1226:11, 1226:13, 1226:17, 1227:1, 1227:17, 1244:10, 1244:18, 1245:2, 1245:11, 1245:17, 1245:22, 1247:1, 1247:9, 1247:17, 1248:15, 1254:2, 1254:8, 1254:23, 1255:6, 1255:7, 1255:19, 1255:24, 1256:9, 1257:14, 1257:20, 1258:22</p> <p><b>Al</b> [15] - 1085:8, 1129:22, 1138:19, 1144:1, 1145:17, 1147:20, 1149:1, 1149:5, 1158:6, 1158:7, 1159:24, 1175:24, 1185:19, 1221:1, 1246:13</p> <p><b>AL</b> [1] - 1080:6</p> <p><b>al-Alwaki</b> [1] - 1103:7</p> <p><b>al-Alwaki's</b> [2] - 1103:21, 1181:25</p> <p><b>Al-Amriki</b> [1] - 1175:24</p> <p><b>al-Amriki</b> [1] - 1175:25</p> <p><b>al-Ashwaq</b> [1] - 1257:20</p> <p><b>al-Awalki</b> [3] - 1226:17, 1227:1, 1227:17</p> <p><b>al-Awlaki</b> [41] - 1176:6, 1176:9,</p> | <p>1176:18, 1177:24, 1178:8, 1178:10, 1179:4, 1179:8, 1179:13, 1179:21, 1179:23, 1181:4, 1181:8, 1181:12, 1181:21, 1182:1, 1182:3, 1183:4, 1183:8, 1200:3, 1200:4, 1201:1, 1201:17, 1202:4, 1202:8, 1203:6, 1203:9, 1204:5, 1204:8, 1205:22, 1206:11, 1254:2, 1254:8, 1254:23, 1255:6, 1255:7, 1255:19, 1255:24, 1256:9, 1257:14, 1258:22</p> <p><b>al-Awlaki's</b> [5] - 1176:7, 1177:5, 1177:19, 1181:17, 1226:4</p> <p><b>al-Farekh</b> [1] - 1214:18</p> <p><b>al-Italia</b> [1] - 1159:15</p> <p><b>al-Jordanian</b> [1] - 1197:21</p> <p><b>al-Masri</b> [1] - 1197:14</p> <p><b>al-Palestine</b> [1] - 1197:18</p> <p><b>al-Qaeda</b> [203] - 1082:9, 1082:11, 1082:13, 1107:23, 1108:13, 1109:3, 1110:7, 1112:4, 1123:11, 1127:2, 1128:14, 1129:12, 1129:14, 1129:18, 1129:25, 1130:9, 1130:21, 1132:14, 1132:24, 1132:25, 1133:23, 1134:25, 1135:7, 1135:18, 1135:20, 1135:23, 1137:10, 1137:17, 1137:22, 1138:18, 1139:25, 1140:4, 1140:10, 1141:9, 1141:12, 1141:14, 1141:15, 1141:18, 1142:3, 1143:3, 1143:6, 1143:8, 1143:11, 1143:16, 1143:23, 1143:25, 1144:1, 1144:14, 1144:16, 1144:25, 1145:4, 1145:14, 1145:22, 1145:24, 1146:3, 1146:6, 1147:15, 1147:24, 1148:2, 1148:4, 1148:14, 1148:23, 1148:25, 1149:12, 1149:14, 1150:6, 1150:8, 1150:21, 1150:23, 1151:2, 1151:6, 1151:11, 1152:18, 1154:8, 1154:14, 1154:18, 1154:24, 1155:5, 1155:20, 1156:9, 1157:17, 1157:20, 1157:22, 1157:25, 1158:1, 1158:4, 1158:5, 1158:7, 1158:25, 1160:4, 1160:5, 1160:7, 1161:3, 1161:10, 1161:15, 1161:24, 1162:3, 1162:14, 1162:16, 1162:19, 1163:5, 1163:9, 1163:16, 1163:17, 1164:16, 1165:9, 1165:12, 1166:16, 1166:17, 1166:20, 1166:24, 1169:7, 1169:10, 1170:8, 1172:13, 1172:16, 1173:3, 1173:5, 1173:6, 1173:13, 1173:22, 1174:9, 1174:13, 1174:15, 1174:23, 1175:11, 1175:18, 1175:19, 1176:5, 1182:13, 1185:21, 1187:14, 1187:20, 1188:9, 1188:10, 1188:12, 1189:4, 1189:13, 1193:5, 1193:6, 1193:7, 1193:14, 1193:24, 1194:5, 1194:7, 1194:10, 1194:23, 1195:11, 1195:25, 1196:3, 1196:19, 1197:8, 1197:9, 1197:14, 1197:18, 1197:21, 1197:24, 1198:4, 1198:9, 1198:10, 1198:13, 1198:17, 1199:5, 1199:11, 1199:14, 1199:15, 1199:23, 1200:1, 1200:3, 1200:4, 1201:1, 1201:17, 1202:4, 1202:8, 1203:6, 1203:9, 1204:5, 1204:8, 1205:12, 1205:22, 1206:11, 1212:7, 1212:10, 1212:12, 1213:7, 1213:9, 1214:10, 1214:18, 1216:18, 1216:20, 1216:23, 1217:2, 1217:3, 1218:7, 1218:15, 1218:24, 1219:13, 1219:18, 1219:23, 1220:3, 1220:4, 1220:14, 1220:24, 1221:7, 1221:15, 1223:4, 1223:8, 1223:11, 1223:19, 1223:22, 1223:25, 1225:3, 1225:8, 1225:9, 1226:4, 1226:10, 1226:11, 1226:13, 1226:17, 1227:1, 1227:17, 1244:10, 1244:18, 1245:2, 1245:11, 1245:17, 1245:22, 1247:1, 1247:9, 1247:17, 1248:15, 1254:2, 1254:8, 1254:23, 1255:6, 1255:7, 1255:19, 1255:24, 1256:9, 1257:14, 1257:20, 1258:22</p> | <p>1221:7, 1221:15, 1223:4, 1223:8, 1223:11, 1223:19, 1223:22, 1223:25, 1225:3, 1226:10, 1226:11, 1226:13, 1244:10, 1244:18, 1245:2, 1245:11, 1245:17, 1245:22, 1247:1, 1247:9, 1247:17, 1248:15</p> <p><b>Al-Qaeda</b> [9] - 1129:22, 1138:19, 1144:1, 1145:17, 1147:20, 1149:1, 1149:5, 1158:6, 1158:7</p> <p><b>al-Qaeda's</b> [17] - 1135:9, 1145:8, 1147:13, 1161:6, 1164:7, 1164:8, 1166:21, 1167:20, 1168:4, 1172:14, 1173:20, 1174:2, 1178:11, 1193:11, 1219:18, 1225:8, 1225:9</p> <p><b>Al-Qaeda's</b> [1] - 1221:1</p> <p><b>al-Shami</b> [12] - 1159:23, 1197:8, 1197:9, 1212:10, 1212:12, 1213:7, 1213:9, 1214:10, 1214:18, 1216:23, 1217:2, 1220:4</p> <p><b>Al-Shami</b> [1] - 1159:24</p> <p><b>al-Tunisi</b> [1] - 1159:14</p> <p><b>al-Yazid</b> [1] - 1216:18</p> <p><b>al-Zawahiri</b> [1] - 1188:19</p> <p><b>al-Zawahri</b> [1] - 1135:8</p> <p><b>alarm</b> [7] - 1211:3, 1211:4, 1211:8, 1211:12, 1211:14, 1211:18</p> <p><b>Alcatraz</b> [1] - 1096:25</p> <p><b>Algeria</b> [1] - 1158:3</p> <p><b>alias</b> [1] - 1195:21</p> <p><b>ALICIA</b> [1] - 1080:17</p> <p><b>aligned</b> [1] - 1199:11</p> <p><b>aliunde</b> [1] - 1248:13</p> <p><b>ALL</b> [2] - 1184:21, 1259:18</p> <p><b>Allah</b> [1] - 1257:17</p> <p><b>Allahu</b> [1] - 1114:22</p> <p><b>allegiance</b> [2] - 1199:15, 1199:19</p> <p><b>allegiants</b> [1] - 1157:25</p> <p><b>alleging</b> [1] - 1246:5</p> <p><b>alliance</b> [1] - 1199:17</p> <p><b>Alliance</b> [1] - 1148:17</p> <p><b>allow</b> [13] - 1084:10, 1090:24, 1091:6, 1152:25, 1163:20, 1198:16, 1214:21, 1214:23, 1220:20, 1222:6, 1248:7, 1248:13, 1248:16</p> <p><b>allowed</b> [14] - 1084:19, 1093:11, 1093:13, 1093:21, 1093:23, 1094:4, 1094:7, 1094:10, 1094:22, 1145:10, 1163:19, 1173:3, 1235:15, 1248:11</p> <p><b>alongside</b> [1] - 1133:15</p> <p><b>aloud</b> [1] - 1206:9</p> <p><b>alt</b> [1] - 1209:5</p> <p><b>Alwaki</b> [1] - 1103:7</p> <p><b>Alwaki's</b> [2] - 1103:21, 1181:25</p> <p><b>ambiguity</b> [2] - 1238:19, 1238:23</p> <p><b>ambition</b> [1] - 1164:9</p> <p><b>ambitions</b> [1] - 1163:1</p> <p><b>Amendment</b> [1] - 1090:4</p> <p><b>AMERICA</b> [1] - 1080:3</p> <p><b>America's</b> [2] - 1145:15, 1145:16</p> <p><b>American</b> [15] - 1105:10, 1109:24, 1112:9, 1125:24, 1145:7, 1145:12,</p> |
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|   |   |  |
|---|---|--|
| <p>1173:9, 1173:12, 1175:13, 1175:25, 1206:12, 1206:16, 1223:15, 1223:17</p> <p><b>Americans</b> [2] - 1144:21, 1245:20</p> <p><b>amount</b> [1] - 1172:17</p> <p><b>amounts</b> [1] - 1096:2</p> <p><b>ample</b> [1] - 1243:1</p> <p><b>Amriki</b> [2] - 1175:24, 1175:25</p> <p><b>analysis</b> [3] - 1124:17, 1125:8, 1225:7</p> <p><b>analyzed</b> [1] - 1164:6</p> <p><b>analyzes</b> [2] - 1193:2, 1193:3</p> <p><b>angles</b> [1] - 1132:1</p> <p><b>anniversary</b> [1] - 1164:9</p> <p><b>announced</b> [1] - 1217:1</p> <p><b>announcement</b> [3] - 1194:13, 1194:16, 1216:22</p> <p><b>answer</b> [11] - 1081:14, 1082:1, 1109:12, 1109:17, 1141:17, 1152:14, 1155:12, 1206:14, 1206:21, 1223:4, 1241:16</p> <p><b>Answer</b> [3] - 1112:24, 1113:2, 1113:6</p> <p><b>answered</b> [3] - 1083:19, 1112:19, 1205:22</p> <p><b>answering</b> [2] - 1166:16, 1181:3</p> <p><b>answers</b> [3] - 1113:9, 1113:12, 1141:10</p> <p><b>anti</b> [1] - 1081:18</p> <p><b>anti-propensity</b> [1] - 1081:18</p> <p><b>anticipate</b> [3] - 1132:22, 1166:1, 1166:2</p> <p><b>Anwar</b> [20] - 1103:7, 1103:20, 1176:5, 1176:7, 1178:8, 1179:21, 1179:23, 1181:4, 1181:8, 1181:12, 1181:24, 1200:3, 1203:6, 1203:9, 1204:4, 1205:22, 1206:11, 1224:3, 1224:13, 1227:17</p> <p><b>anxiety</b> [1] - 1092:23</p> <p><b>anyway</b> [2] - 1083:2, 1250:19</p> <p><b>apart</b> [1] - 1241:9</p> <p><b>apologize</b> [1] - 1233:18</p> <p><b>appeal</b> [4] - 1178:6, 1224:19, 1226:20, 1227:3</p> <p><b>Appeals</b> [2] - 1251:10, 1251:11</p> <p><b>appear</b> [6] - 1167:19, 1171:12, 1182:9, 1203:8, 1210:24, 1249:17</p> <p><b>appearance</b> [2] - 1081:4, 1081:5</p> <p><b>appeared</b> [3] - 1107:22, 1108:3, 1234:23</p> <p><b>Appellate</b> [3] - 1085:10, 1085:12, 1085:21</p> <p><b>applicable</b> [1] - 1245:18</p> <p><b>application</b> [1] - 1083:21</p> <p><b>apply</b> [5] - 1083:16, 1106:18, 1197:11, 1208:11, 1209:7</p> <p><b>appreciate</b> [2] - 1236:6, 1258:7</p> <p><b>apprised</b> [2] - 1256:3, 1257:13</p> <p><b>approach</b> [3] - 1125:15, 1212:14, 1241:16</p> <p><b>approached</b> [1] - 1104:4</p> <p><b>appropriate</b> [1] - 1083:1</p> <p><b>approved</b> [1] - 1143:23</p> <p><b>Arab</b> [10] - 1131:11, 1133:1, 1133:6, 1133:24, 1134:2, 1142:19, 1144:12, 1147:10, 1172:2, 1226:23</p> <p><b>Arabia</b> [6] - 1131:10, 1147:9, 1188:21,</p> | <p>1188:24, 1226:11, 1226:13</p> <p><b>Arabian</b> [4] - 1145:8, 1147:5, 1147:6, 1158:6</p> <p><b>Arabic</b> [14] - 1137:25, 1140:11, 1142:6, 1144:6, 1159:8, 1159:18, 1159:25, 1162:22, 1168:6, 1178:2, 1183:8, 1186:20, 1197:3, 1242:21</p> <p><b>Arabs</b> [2] - 1133:15, 1135:14</p> <p><b>Arasa</b> [1] - 1204:16</p> <p><b>area</b> [27] - 1082:6, 1094:4, 1107:15, 1107:17, 1125:23, 1126:15, 1127:19, 1137:8, 1137:20, 1141:24, 1147:7, 1149:17, 1150:3, 1150:5, 1150:8, 1150:10, 1150:12, 1150:19, 1151:15, 1154:16, 1158:8, 1187:9, 1187:11, 1195:3, 1208:13, 1219:25, 1220:10</p> <p><b>Areas</b> [2] - 1107:16, 1149:19</p> <p><b>areas</b> [8] - 1083:2, 1110:22, 1150:3, 1150:5, 1150:6, 1150:15, 1192:7, 1243:7</p> <p><b>arena</b> [1] - 1201:13</p> <p><b>ARGHANDIWAL</b> [1] - 1260:8</p> <p><b>Arghandiwal</b> [8] - 1228:2, 1228:6, 1229:7, 1231:8, 1237:3, 1237:12, 1237:18, 1238:14</p> <p><b>arguably</b> [3] - 1145:17, 1171:25, 1177:25</p> <p><b>argue</b> [6] - 1138:2, 1138:21, 1139:16, 1145:10, 1162:1, 1220:11</p> <p><b>argued</b> [3] - 1139:6, 1145:20, 1206:19</p> <p><b>argues</b> [1] - 1182:16</p> <p><b>argument</b> [5] - 1140:1, 1145:24, 1214:4, 1245:16, 1248:3</p> <p><b>arise</b> [1] - 1117:16</p> <p><b>Arizona</b> [3] - 1206:2, 1221:18, 1223:12</p> <p><b>Arlington</b> [1] - 1128:7</p> <p><b>arms</b> [2] - 1139:3, 1139:7</p> <p><b>army</b> [2] - 1172:5, 1172:6</p> <p><b>arrest</b> [1] - 1224:24</p> <p><b>arrive</b> [1] - 1106:24</p> <p><b>arrived</b> [6] - 1085:8, 1107:5, 1107:20, 1109:18, 1156:6, 1244:15</p> <p><b>arriving</b> [1] - 1107:6</p> <p><b>Art</b> [1] - 1204:16</p> <p><b>art</b> [2] - 1183:14, 1207:10</p> <p><b>article</b> [2] - 1213:6, 1216:4</p> <p><b>articles</b> [2] - 1131:18, 1217:1</p> <p><b>as-needed</b> [1] - 1250:21</p> <p><b>ascribe</b> [1] - 1169:6</p> <p><b>Ashwaq</b> [1] - 1257:20</p> <p><b>Asia</b> [2] - 1130:5, 1158:11</p> <p><b>aspect</b> [1] - 1141:3</p> <p><b>aspects</b> [4] - 1141:1, 1177:17, 1182:3, 1221:11</p> <p><b>assemble</b> [1] - 1101:24</p> <p><b>assistance</b> [1] - 1117:4</p> <p><b>Assistant</b> [1] - 1080:18</p> <p><b>assistant</b> [2] - 1099:5, 1105:1</p> <p><b>associated</b> [2] - 1218:2, 1258:1</p> <p><b>attack</b> [17] - 1110:13, 1110:17, 1111:11, 1138:21, 1139:5, 1145:25, 1147:25,</p> | <p>1164:9, 1169:3, 1194:2, 1196:7, 1218:13, 1219:10, 1219:11, 1224:20, 1247:3</p> <p><b>attacking</b> [1] - 1133:14</p> <p><b>Attacking</b> [1] - 1219:22</p> <p><b>attacks</b> [20] - 1112:1, 1112:2, 1112:4, 1147:18, 1147:19, 1148:2, 1148:4, 1154:8, 1173:15, 1193:8, 1193:10, 1193:20, 1194:7, 1196:3, 1196:4, 1218:8, 1218:16, 1221:15, 1222:4</p> <p><b>attempt</b> [1] - 1089:7</p> <p><b>attend</b> [1] - 1156:13</p> <p><b>attendant</b> [1] - 1241:11</p> <p><b>attention</b> [1] - 1219:4</p> <p><b>attenuated</b> [1] - 1255:9</p> <p><b>Attorney</b> [1] - 1080:14</p> <p><b>attorney</b> [3] - 1090:7, 1099:5, 1105:1</p> <p><b>Attorneys</b> [1] - 1080:18</p> <p><b>attract</b> [6] - 1139:13, 1161:20, 1164:17, 1167:23, 1218:17, 1218:18</p> <p><b>attracting</b> [4] - 1174:2, 1174:5, 1175:2, 1218:20</p> <p><b>attributable</b> [1] - 1205:17</p> <p><b>attributed</b> [1] - 1167:9</p> <p><b>attuned</b> [1] - 1175:9</p> <p><b>audience</b> [14] - 1162:6, 1163:20, 1164:22, 1164:25, 1165:13, 1165:15, 1173:4, 1175:9, 1175:10, 1177:18, 1177:22, 1178:4, 1226:21, 1226:24</p> <p><b>audiences</b> [2] - 1165:10, 1165:15</p> <p><b>audio</b> [1] - 1201:22</p> <p><b>August</b> [3] - 1188:13, 1207:2</p> <p><b>AUSA</b> [4] - 1098:5, 1098:16, 1099:4</p> <p><b>authentic</b> [2] - 1158:19, 1167:13</p> <p><b>author</b> [1] - 1129:24</p> <p><b>authored</b> [3] - 1129:10, 1129:12, 1131:12</p> <p><b>authority</b> [1] - 1167:12</p> <p><b>automatically</b> [1] - 1095:25</p> <p><b>available</b> [19] - 1085:12, 1093:25, 1094:2, 1123:3, 1176:21, 1177:3, 1177:14, 1181:18, 1181:21, 1183:1, 1231:3, 1236:4, 1236:5, 1236:7, 1236:12, 1236:15, 1250:2, 1256:2, 1258:22</p> <p><b>avoid</b> [4] - 1155:16, 1180:10, 1214:24, 1252:22</p> <p><b>awakening</b> [2] - 1164:19</p> <p><b>Awalki</b> [3] - 1226:17, 1227:1, 1227:17</p> <p><b>aware</b> [10] - 1118:3, 1155:4, 1190:22, 1199:25, 1203:5, 1204:8, 1204:12, 1206:23, 1208:23, 1219:18</p> <p><b>Awlaki</b> [56] - 1109:7, 1109:11, 1176:6, 1176:9, 1176:18, 1177:24, 1178:8, 1178:10, 1179:4, 1179:8, 1179:13, 1179:21, 1179:23, 1181:4, 1181:8, 1181:12, 1181:21, 1182:1, 1182:3, 1183:4, 1183:8, 1200:3, 1200:4, 1201:1, 1201:17, 1202:4, 1202:8, 1203:6, 1203:9, 1204:5, 1204:8, 1204:19, 1205:5, 1205:14, 1205:17,</p> |
|---|---|--|

|  |  |   |
|--|--|---|
| <p>1205:22, 1206:11, 1206:23, 1224:4, 1224:8, 1224:11, 1224:13, 1224:15, 1224:17, 1225:4, 1254:2, 1254:8, 1254:23, 1255:6, 1255:7, 1255:19, 1255:24, 1256:9, 1257:14, 1258:22</p> <p><b>Awlaki's</b> [5] - 1176:7, 1177:5, 1177:19, 1181:17, 1226:4</p> <p><b>AY</b> [2] - 1238:17</p> <p><b>Ayman</b> [2] - 1135:8, 1188:18</p> <p><b>Azzam</b> [4] - 1135:2, 1175:24</p>   | <p><b>behavior</b> [1] - 1081:19</p> <p><b>behind</b> [1] - 1135:18</p> <p><b>behold</b> [1] - 1099:20</p> <p><b>belabor</b> [2] - 1235:8, 1255:17</p> <p><b>beliefs</b> [3] - 1133:16, 1192:21, 1245:13</p> <p><b>believers</b> [1] - 1169:20</p> <p><b>believes</b> [2] - 1158:19, 1169:19</p> <p><b>believe</b> [1] - 1247:15</p> <p><b>belong</b> [1] - 1169:19</p> <p><b>belongs</b> [1] - 1249:6</p> <p><b>benefits</b> [1] - 1106:18</p> <p><b>benign</b> [1] - 1258:24</p> <p><b>best</b> [7] - 1089:13, 1113:21, 1123:3, 1167:24, 1168:1, 1241:22, 1251:12</p> <p><b>better</b> [4] - 1162:19, 1163:3, 1173:19, 1249:5</p> <p><b>between</b> [15] - 1124:24, 1129:10, 1133:7, 1133:11, 1139:14, 1143:6, 1143:15, 1143:24, 1144:13, 1187:20, 1188:6, 1190:17, 1210:21, 1248:16, 1250:7</p> <p><b>beyond</b> [7] - 1083:10, 1094:24, 1130:13, 1134:7, 1152:3, 1152:4, 1257:7</p> <p><b>bias</b> [6] - 1090:3, 1192:13, 1192:17, 1192:19, 1192:20, 1192:24</p> <p><b>biases</b> [1] - 1192:21</p> <p><b>big</b> [11] - 1140:19, 1155:17, 1170:1, 1210:5, 1223:21, 1225:1, 1234:10, 1234:14, 1245:1, 1248:6</p> <p><b>bill</b> [1] - 1132:22</p> <p><b>bin</b> [10] - 1135:12, 1143:8, 1143:11, 1145:14, 1162:21, 1162:24, 1164:3, 1188:20, 1188:22, 1188:23</p> <p><b>Binging</b> [1] - 1242:3</p> <p><b>bit</b> [10] - 1126:9, 1129:14, 1151:5, 1156:10, 1163:10, 1165:2, 1190:11, 1192:23, 1230:4, 1234:12</p> <p><b>bits</b> [1] - 1114:23</p> <p><b>blaming</b> [1] - 1235:20</p> <p><b>blind</b> [1] - 1114:24</p> <p><b>block</b> [1] - 1203:19</p> <p><b>blow</b> [3] - 1114:23, 1213:18</p> <p><b>BMC</b> [1] - 1080:3</p> <p><b>bodies</b> [1] - 1132:3</p> <p><b>body</b> [4] - 1140:17, 1208:20, 1245:23, 1258:8</p> <p><b>bomb</b> [3] - 1101:15, 1101:24, 1113:15</p> <p><b>bombing</b> [2] - 1112:23, 1148:14</p> <p><b>bombings</b> [8] - 1147:21, 1179:5, 1193:21, 1193:25, 1218:12, 1221:16, 1222:4, 1223:9</p> <p><b>bombs</b> [1] - 1100:20</p> <p><b>book</b> [21] - 1129:12, 1129:16, 1129:24, 1130:8, 1130:11, 1130:25, 1131:15, 1183:4, 1183:6, 1205:9, 1205:10, 1205:11, 1205:12, 1205:13, 1226:10, 1226:14, 1226:15, 1226:17, 1226:23, 1227:3</p> <p><b>booking</b> [1] - 1244:13</p> <p><b>books</b> [7] - 1129:9, 1129:11, 1129:17, 1131:12, 1131:13, 1167:11, 1205:8</p> | <p><b>boost</b> [3] - 1165:14, 1174:10</p> <p><b>border</b> [3] - 1135:25, 1137:19, 1141:25</p> <p><b>bordering</b> [1] - 1135:22</p> <p><b>born</b> [7] - 1175:13, 1175:16, 1176:10, 1200:5, 1200:6, 1200:9, 1229:22</p> <p><b>borrow</b> [1] - 1106:12</p> <p><b>Boston</b> [1] - 1126:5</p> <p><b>bothering</b> [1] - 1233:12</p> <p><b>bought</b> [1] - 1101:23</p> <p><b>branches</b> [1] - 1130:5</p> <p><b>brand</b> [2] - 1125:11, 1158:1</p> <p><b>break</b> [7] - 1165:2, 1165:19, 1166:15, 1184:7, 1184:13, 1232:7, 1257:2</p> <p><b>BRIAN</b> [2] - 1080:11, 1185:3</p> <p><b>bridge</b> [1] - 1102:4</p> <p><b>BRIDGET</b> [1] - 1080:13</p> <p><b>brief</b> [5] - 1083:4, 1086:10, 1115:13, 1124:22, 1239:21</p> <p><b>briefed</b> [1] - 1244:3</p> <p><b>briefings</b> [1] - 1123:25</p> <p><b>briefly</b> [2] - 1127:23, 1255:24</p> <p><b>bring</b> [6] - 1082:14, 1190:1, 1218:1, 1220:17, 1221:9, 1233:12</p> <p><b>bringing</b> [2] - 1247:9, 1247:10</p> <p><b>brings</b> [1] - 1211:2</p> <p><b>British</b> [1] - 1173:9</p> <p><b>broad</b> [10] - 1087:24, 1098:17, 1122:24, 1139:16, 1162:6, 1163:20, 1192:11, 1202:6, 1208:25, 1209:4</p> <p><b>broadcast</b> [4] - 1163:11, 1164:5, 1176:20, 1238:13</p> <p><b>broadcasting</b> [1] - 1163:15</p> <p><b>Broadway</b> [2] - 1080:20, 1080:24</p> <p><b>BROOKLYN</b> [1] - 1080:6</p> <p><b>Brooklyn</b> [1] - 1080:15</p> <p><b>brother</b> [3] - 1174:21, 1238:16, 1254:13</p> <p><b>brotherhood</b> [1] - 1127:14</p> <p><b>Brotherhood</b> [1] - 1139:22</p> <p><b>brought</b> [3] - 1097:24, 1148:21, 1179:6</p> <p><b>Brown's</b> [1] - 1244:15</p> <p><b>build</b> [1] - 1224:19</p> <p><b>Building</b> [1] - 1080:19</p> <p><b>builds</b> [1] - 1224:17</p> <p><b>built</b> [1] - 1137:10</p> <p><b>bullets</b> [2] - 1140:1, 1140:7</p> <p><b>burden</b> [1] - 1248:4</p> <p><b>Bureau</b> [2] - 1094:25, 1229:10</p> <p><b>bus</b> [1] - 1232:15</p> <p><b>butchering</b> [1] - 1197:23</p> <p><b>button</b> [1] - 1114:23</p> <p><b>buy</b> [3] - 1094:22, 1095:4, 1116:22</p> <p><b>BY</b> [25] - 1080:16, 1087:10, 1092:7, 1106:1, 1115:15, 1122:6, 1137:5, 1154:2, 1165:6, 1166:14, 1181:2, 1185:15, 1203:1, 1216:2, 1217:17, 1223:2, 1226:2, 1229:6, 1231:7, 1237:2, 1260:3, 1260:4, 1260:6, 1260:7, 1260:9</p> <p><b>BY:DAVID</b> [1] - 1080:23</p> <p><b>BY:DIANE</b> [1] - 1080:25</p> <p><b>BY:SEAN</b> [1] - 1080:21</p> |
| <b>B</b>   |  |   |
| <p><b>babies</b> [2] - 1114:13, 1114:18</p> <p><b>baby</b> [2] - 1114:15, 1114:16</p> <p><b>background</b> [4] - 1126:1, 1176:7, 1230:2, 1230:5</p> <p><b>backgrounds</b> [2] - 1183:24, 1209:14</p> <p><b>Badr</b> [5] - 1171:23, 1171:24, 1172:12, 1172:19</p> <p><b>Bahrain</b> [2] - 1131:10, 1147:11</p> <p><b>ballot</b> [1] - 1140:8</p> <p><b>ballots</b> [2] - 1140:1, 1140:7</p> <p><b>BALLOTS</b> [1] - 1140:8</p> <p><b>ballpark</b> [1] - 1190:18</p> <p><b>bank</b> [1] - 1223:12</p> <p><b>bar</b> [2] - 1179:1, 1180:15</p> <p><b>bargain</b> [1] - 1096:16</p> <p><b>BARRETT</b> [1] - 1080:21</p> <p><b>base</b> [4] - 1135:21, 1140:11, 1141:17, 1161:16</p> <p><b>based</b> [10] - 1084:9, 1090:21, 1125:7, 1157:14, 1187:7, 1188:21, 1188:25, 1189:10, 1254:3, 1255:22</p> <p><b>Bashaur</b> [3] - 1156:21, 1156:25, 1157:6</p> <p><b>basic</b> [1] - 1093:24</p> <p><b>basis</b> [7] - 1084:7, 1124:22, 1124:24, 1152:6, 1175:15, 1217:4</p> <p><b>basketball</b> [1] - 1094:2</p> <p><b>bat</b> [1] - 1115:5</p> <p><b>batch</b> [1] - 1242:18</p> <p><b>Battle</b> [5] - 1171:23, 1171:24, 1172:12, 1172:19</p> <p><b>battle</b> [1] - 1171:25</p> <p><b>battles</b> [1] - 1171:24</p> <p><b>became</b> [14] - 1135:20, 1156:17, 1158:7, 1175:16, 1176:15, 1182:11, 1200:1, 1200:10, 1200:14, 1212:1, 1214:12, 1219:6, 1224:4, 1224:8</p> <p><b>become</b> [11] - 1082:6, 1143:10, 1143:13, 1146:1, 1175:19, 1183:1, 1192:10, 1198:17, 1199:18, 1210:19, 1214:14</p> <p><b>becomes</b> [2] - 1236:7, 1258:15</p> <p><b>becoming</b> [3] - 1134:25, 1167:1, 1167:16</p> <p><b>BEFORE</b> [1] - 1080:11</p> <p><b>began</b> [3] - 1118:4, 1134:3, 1182:9</p> <p><b>begin</b> [3] - 1087:8, 1163:17, 1182:20</p> <p><b>beginning</b> [5] - 1097:23, 1135:1, 1150:7, 1151:8, 1161:11</p> |  |   |

|  |   |   |
|--|---|---|
| bylaws [3] - 1141:20, 1172:14, 1172:16   | 1093:18, 1094:12, 1097:7, 1116:2  | claims [1] - 1218:8   |
| <b>C</b>   | <b>center</b> [3] - 1103:2, 1130:4, 1187:11   | <b>clandestine</b> [1] - 1194:23  |
| <b>cable</b> [1] - 1094:16   | <b>Center</b> [3] - 1112:2, 1127:25, 1227:10  | <b>clarify</b> [1] - 1125:20  |
| <b>cadence</b> [1] - 1256:10   | <b>central</b> [2] - 1150:14, 1166:24   | <b>Clarke</b> [3] - 1137:1, 1146:12, 1149:20  |
| <b>Cadman</b> [1] - 1080:15  | <b>Central</b> [1] - 1111:2   | <b>classes</b> [1] - 1221:2   |
| <b>California</b> [1] - 1175:16  | <b>centuries</b> [1] - 1107:17  | <b>classical</b> [1] - 1138:24  |
| <b>calles</b> [1] - 1228:1   | <b>CEO</b> [1] - 1140:20  | <b>classically</b> [2] - 1138:10, 1138:12   |
| <b>camera</b> [10] - 1085:14, 1088:7, 1137:2, 1146:13, 1149:21, 1202:17, 1204:1, 1206:6, 1216:15, 1230:25  | <b>certain</b> [17] - 1102:23, 1106:13, 1129:22, 1130:17, 1130:23, 1144:24, 1145:9, 1159:9, 1164:9, 1194:24, 1210:18, 1219:1, 1221:11, 1223:18, 1254:1, 1258:19 | <b>classification</b> [1] - 1085:25   |
| <b>camp</b> [4] - 1113:1, 1185:22, 1187:15, 1187:17  | <b>certainly</b> [6] - 1086:5, 1089:6, 1089:21, 1205:1, 1213:21, 1252:18  | <b>classified</b> [5] - 1084:17, 1084:19, 1085:8, 1085:23, 1086:1   |
| <b>camps</b> [7] - 1135:24, 1136:1, 1137:9, 1137:18, 1137:23, 1151:6, 1221:2   | <b>certified</b> [1] - 1230:15  | <b>clean</b> [2] - 1081:15, 1082:1  |
| <b>Canada</b> [1] - 1198:21  | <b>chambers</b> [1] - 1084:13   | <b>clean-cut</b> [2] - 1081:15, 1082:1  |
| <b>candy</b> [1] - 1095:4  | <b>changed</b> [5] - 1093:2, 1114:17, 1138:16, 1138:20, 1162:5  | <b>clear</b> [11] - 1083:18, 1107:12, 1109:18, 1120:6, 1133:24, 1158:25, 1182:15, 1192:6, 1214:12, 1214:14, 1226:16 |
| <b>cannon</b> [1] - 1199:6   | <b>channels</b> [1] - 1094:14   | <b>clearly</b> [8] - 1172:20, 1182:16, 1182:18, 1227:2, 1234:17, 1235:10, 1248:14, 1257:9                           |
| <b>cannot</b> [3] - 1083:19, 1241:5, 1248:2  | <b>chapters</b> [1] - 1131:15   | <b>cleric</b> [1] - 1258:16   |
| <b>capable</b> [1] - 1218:19   | <b>characterize</b> [1] - 1199:10   | <b>clerk</b> [1] - 1232:24  |
| <b>capital</b> [3] - 1157:4, 1157:5, 1244:18   | <b>charge</b> [11] - 1108:4, 1108:8, 1108:13, 1108:17, 1108:19, 1113:2, 1252:3, 1252:5, 1252:14, 1252:15, 1252:16   | <b>CLERK</b> [2] - 1121:17, 1121:19   |
| <b>car</b> [4] - 1102:3, 1102:6, 1114:15, 1114:21  | <b>charged</b> [4] - 1104:13, 1104:17, 1179:10, 1246:9  | <b>click</b> [1] - 1254:17  |
| <b>care</b> [4] - 1093:7, 1106:16, 1117:13, 1117:24  | <b>charges</b> [3] - 1082:22, 1104:19, 1179:6   | <b>client</b> [3] - 1258:14, 1258:17, 1259:1  |
| <b>careful</b> [1] - 1082:7  | <b>charity</b> [1] - 1224:25  | <b>clock</b> [6] - 1211:3, 1211:4, 1211:8, 1211:13, 1211:14, 1211:18  |
| <b>carefully</b> [2] - 1173:14, 1241:10  | <b>cheated</b> [1] - 1106:4   | <b>close</b> [8] - 1099:13, 1099:25, 1134:4, 1174:16, 1245:7, 1245:15, 1252:19, 1253:2                              |
| <b>carried</b> [9] - 1112:4, 1127:1, 1147:18, 1147:21, 1147:25, 1218:8, 1223:8, 1223:20  | <b>cheating</b> [1] - 1105:13   | <b>closing</b> [2] - 1252:20, 1252:22   |
| <b>carry</b> [10] - 1110:13, 1111:11, 1154:8, 1173:15, 1183:17, 1197:25, 1199:3, 1219:11, 1223:23, 1224:1  | <b>check</b> [1] - 1254:23  | <b>closings</b> [1] - 1252:16   |
| <b>carrying</b> [1] - 1102:9   | <b>checked</b> [1] - 1244:17  | <b>cluster</b> [2] - 1126:21, 1126:24   |
| <b>cars</b> [2] - 1101:2, 1113:15  | <b>checklist</b> [1] - 1083:19  | <b>clusters</b> [1] - 1129:23   |
| <b>cartoons</b> [1] - 1170:6   | <b>chemicals</b> [4] - 1101:14, 1101:17, 1102:3, 1103:1   | <b>CNN</b> [1] - 1162:23  |
| <b>case</b> [27] - 1084:16, 1084:23, 1085:2, 1086:12, 1086:17, 1098:21, 1115:6, 1119:1, 1121:3, 1132:18, 1157:8, 1157:12, 1165:22, 1179:16, 1184:15, 1241:5, 1241:8, 1241:17, 1241:21, 1241:23, 1242:4, 1242:6, 1250:18, 1251:4, 1252:5, 1257:22, 1259:8 | <b>chief</b> [1] - 1149:11  | <b>co</b> [4] - 1199:20, 1246:1, 1248:10, 1248:13   |
| <b>cases</b> [23] - 1122:14, 1122:21, 1122:23, 1124:25, 1126:25, 1130:17, 1130:19, 1130:20, 1154:20, 1155:4, 1155:7, 1155:22, 1156:11, 1156:16, 1158:21, 1174:17, 1176:23, 1176:25, 1191:4, 1196:21, 1218:4, 1227:7                                      | <b>children</b> [4] - 1114:11, 1114:18, 1114:19, 1159:20  | <b>co-conspirator</b> [3] - 1246:1, 1248:10, 1248:13  |
| <b>cash</b> [1] - 1117:20  | <b>choice</b> [1] - 1104:3  | <b>co-organization</b> [1] - 1199:20  |
| <b>casualties</b> [2] - 1110:19, 1111:5  | <b>choose</b> [1] - 1139:23   | <b>coconspirator</b> [2] - 1244:1, 1244:6   |
| <b>catalog</b> [1] - 1259:5  | <b>circled</b> [1] - 1137:20  | <b>coercion</b> [1] - 1197:25   |
| <b>catch</b> [1] - 1257:3  | <b>circles</b> [9] - 1176:16, 1200:15, 1200:19, 1200:20, 1207:14, 1207:18, 1218:3, 1224:5, 1224:9   | <b>COGAN</b> [2] - 1080:11, 1185:3  |
| <b>causation</b> [1] - 1210:22   | <b>circulated</b> [1] - 1259:5  | <b>cognitive</b> [2] - 1192:20, 1210:12   |
| <b>CAUSE</b> [1] - 1080:10   | <b>circulation</b> [2] - 1253:13, 1256:23   | <b>coincidence</b> [1] - 1221:13  |
| <b>causes</b> [2] - 1210:25, 1211:18   | <b>circumstances</b> [3] - 1117:18, 1199:8, 1247:15   | <b>Cole</b> [3] - 1147:25, 1194:2, 1218:13  |
| <b>causing</b> [1] - 1211:14   | <b>circumstantial</b> [1] - 1244:19   | <b>colleagues</b> [1] - 1124:18   |
| <b>caution</b> [1] - 1085:1  | <b>cite</b> [1] - 1178:2  | <b>collective</b> [3] - 1140:17, 1140:19, 1167:10   |
| <b>caves</b> [1] - 1150:16   | <b>cited</b> [3] - 1145:7, 1145:15, 1227:15   | <b>college</b> [9] - 1081:15, 1082:1, 1106:12, 1176:14, 1186:4, 1186:12, 1186:16, 1191:25, 1230:6                   |
| <b>cell</b> [7] - 1093:9, 1093:11, 1093:13,  | <b>cities</b> [4] - 1149:13, 1155:15, 1155:17, 1156:12  | <b>Colorado</b> [6] - 1096:22, 1101:6, 1101:12, 1176:10, 1176:14, 1200:9  |
|  | <b>City</b> [4] - 1100:20, 1110:21, 1110:22, 1110:23  | <b>combination</b> [2] - 1145:6, 1244:20  |
|  | <b>city</b> [4] - 1135:21, 1135:22, 1187:11, 1232:15  | <b>combined</b> [1] - 1147:23   |
|  | <b>civil</b> [3] - 1142:9, 1142:15, 1143:10   | <b>coming</b> [7] - 1082:19, 1152:23, 1163:15, 1221:16, 1221:18, 1231:9, 1252:21                                    |
|  | <b>civilians</b> [1] - 1111:5   | <b>Coming</b> [1] - 1149:22   |
|  | <b>civilization</b> [1] - 1126:14   | <b>commander</b> [1] - 1246:20  |
|  | <b>claiming</b> [1] - 1219:10   | <b>commentary</b> [2] - 1183:9, 1205:15   |
|  |   | <b>commissary</b> [5] - 1094:22, 1094:24,   |

|   |   |   |
|---|---|---|
| <p>1116:20, 1116:23, 1117:9<br/> <b>commit</b> [2] - 1246:9, 1247:3<br/> <b>committees</b> [1] - 1125:2<br/> <b>committing</b> [1] - 1209:8<br/> <b>common</b> [20] - 1081:25, 1082:4, 1083:6, 1125:3, 1139:17, 1144:8, 1151:12, 1152:6, 1154:23, 1155:13, 1160:5, 1168:25, 1169:22, 1171:10, 1174:11, 1175:8, 1178:6, 1183:20, 1226:12<br/> <b>commonality</b> [1] - 1155:8<br/> <b>commonly</b> [7] - 1145:7, 1159:6, 1168:3, 1173:24, 1207:12, 1207:17, 1208:4<br/> <b>communicate</b> [1] - 1241:21<br/> <b>communication</b> [1] - 1162:5<br/> <b>communications</b> [1] - 1244:2<br/> <b>community</b> [8] - 1168:10, 1169:18, 1169:20, 1170:1, 1170:10, 1172:3, 1207:20<br/> <b>company</b> [2] - 1163:22, 1166:18<br/> <b>compare</b> [1] - 1140:15<br/> <b>compared</b> [1] - 1173:10<br/> <b>comparison</b> [1] - 1140:15<br/> <b>compartmentalization</b> [4] - 1194:24, 1195:3, 1195:6, 1195:17<br/> <b>compartmentalized</b> [3] - 1196:1, 1196:4, 1219:14<br/> <b>compartmentalizing</b> [1] - 1195:20<br/> <b>complain</b> [2] - 1092:22, 1099:3<br/> <b>complaining</b> [3] - 1092:14, 1092:19, 1096:5<br/> <b>complete</b> [1] - 1238:4<br/> <b>completely</b> [1] - 1199:22<br/> <b>components</b> [4] - 1159:10, 1196:7, 1196:10, 1196:14<br/> <b>compound</b> [3] - 1107:9, 1107:20, 1109:18<br/> <b>computer</b> [2] - 1103:4, 1254:17<br/> <b>conceivably</b> [1] - 1197:6<br/> <b>concept</b> [11] - 1138:17, 1139:8, 1168:15, 1168:17, 1191:13, 1191:15, 1192:16, 1195:7, 1195:18, 1197:11, 1207:8<br/> <b>conceptions</b> [1] - 1082:9<br/> <b>concepts</b> [4] - 1167:23, 1168:16, 1183:5, 1210:22<br/> <b>conceptualize</b> [1] - 1178:3<br/> <b>concern</b> [3] - 1179:15, 1180:10, 1213:5<br/> <b>concerned</b> [5] - 1083:1, 1102:12, 1102:13, 1102:14<br/> <b>concerning</b> [1] - 1179:4<br/> <b>conclude</b> [1] - 1084:7<br/> <b>concluded</b> [2] - 1091:8, 1240:7<br/> <b>conclusion</b> [2] - 1182:10, 1211:12<br/> <b>condition</b> [2] - 1243:18, 1244:5<br/> <b>conditionally</b> [3] - 1242:14, 1243:14, 1244:4<br/> <b>conditions</b> [5] - 1093:8, 1096:6, 1096:11, 1115:19, 1116:4<br/> <b>conducive</b> [1] - 1225:6<br/> <b>conducted</b> [1] - 1086:4<br/> <b>confer</b> [1] - 1216:13</p> | <p><b>conference</b> [3] - 1252:3, 1252:5, 1252:16<br/> <b>conferences</b> [1] - 1140:3<br/> <b>conferred</b> [1] - 1248:20<br/> <b>confined</b> [2] - 1097:4, 1116:4<br/> <b>confinement</b> [1] - 1115:19<br/> <b>confirmation</b> [3] - 1192:17, 1192:19, 1192:24<br/> <b>confirms</b> [1] - 1192:21<br/> <b>conflict</b> [9] - 1133:7, 1133:10, 1134:3, 1134:24, 1142:20, 1142:21, 1143:5, 1144:10, 1170:6<br/> <b>conflicts</b> [3] - 1126:11, 1170:3, 1170:5<br/> <b>confluence</b> [1] - 1188:14<br/> <b>confrontation</b> [2] - 1205:6, 1205:16<br/> <b>confrontations</b> [1] - 1206:18<br/> <b>confuse</b> [1] - 1248:2<br/> <b>confusion</b> [7] - 1083:1, 1213:5, 1213:13, 1213:25, 1214:7, 1233:11, 1234:18<br/> <b>Congress</b> [4] - 1124:23, 1124:25, 1131:23, 1132:4<br/> <b>connect</b> [1] - 1246:13<br/> <b>connected</b> [1] - 1158:23<br/> <b>connection</b> [6] - 1144:9, 1242:23, 1243:13, 1243:17, 1245:17, 1255:10<br/> <b>connections</b> [3] - 1127:2, 1158:22, 1180:1<br/> <b>conservative</b> [15] - 1143:18, 1158:10, 1158:13, 1159:3, 1159:4, 1176:16, 1182:5, 1200:15, 1200:19, 1200:23, 1200:24, 1217:24, 1218:1, 1218:3, 1218:5<br/> <b>consider</b> [4] - 1184:6, 1184:8, 1244:21, 1248:11<br/> <b>considered</b> [4] - 1103:5, 1126:23, 1167:12, 1167:13<br/> <b>conspiracy</b> [24] - 1104:17, 1104:18, 1112:6, 1169:3, 1169:8, 1169:14, 1170:2, 1225:1, 1244:24, 1245:1, 1245:9, 1245:10, 1245:18, 1245:19, 1246:9, 1246:17, 1247:6, 1247:7, 1247:9, 1247:16, 1247:17, 1248:6, 1248:15, 1248:16<br/> <b>conspirator</b> [3] - 1246:1, 1248:10, 1248:13<br/> <b>conspiratorial</b> [1] - 1170:8<br/> <b>conspriacy</b> [3] - 1244:6, 1245:2, 1247:16<br/> <b>Constance</b> [1] - 1226:15<br/> <b>constant</b> [1] - 1227:4<br/> <b>constantly</b> [1] - 1168:16<br/> <b>Constants</b> [2] - 1205:11, 1257:17<br/> <b>construct</b> [2] - 1101:14, 1104:18<br/> <b>consumed</b> [3] - 1124:21, 1227:12, 1227:15<br/> <b>consumption</b> [1] - 1174:9<br/> <b>contact</b> [4] - 1155:19, 1155:24, 1156:2, 1156:6<br/> <b>contacts</b> [3] - 1117:2, 1117:3, 1117:5<br/> <b>contain</b> [3] - 1123:6, 1124:17, 1182:22</p> | <p><b>contained</b> [1] - 1183:5<br/> <b>contains</b> [2] - 1090:18, 1090:20<br/> <b>contemporary</b> [1] - 1160:1<br/> <b>content</b> [2] - 1255:24, 1259:6<br/> <b>contention</b> [1] - 1213:8<br/> <b>contents</b> [2] - 1090:9, 1244:20<br/> <b>context</b> [5] - 1082:21, 1083:20, 1083:22, 1182:19, 1244:21<br/> <b>contexts</b> [3] - 1208:11, 1208:17, 1208:22<br/> <b>contextualize</b> [2] - 1130:23, 1208:19<br/> <b>contextualizes</b> [1] - 1226:18<br/> <b>contextualizing</b> [1] - 1182:18<br/> <b>continue</b> [10] - 1118:13, 1132:15, 1133:5, 1134:17, 1143:6, 1166:12, 1181:21, 1210:10, 1223:5, 1236:24<br/> <b>Continued</b> [20] - 1088:21, 1091:9, 1105:17, 1120:22, 1121:25, 1151:19, 1153:4, 1160:10, 1178:16, 1180:17, 1184:23, 1202:20, 1212:22, 1215:5, 1221:24, 1222:8, 1225:13, 1239:25, 1240:8, 1247:18<br/> <b>continued</b> [3] - 1086:23, 1136:2, 1228:11<br/> <b>Continuing</b> [6] - 1092:1, 1106:1, 1161:1, 1181:2, 1226:1, 1248:1<br/> <b>continuing</b> [1] - 1241:23<br/> <b>contours</b> [1] - 1084:3<br/> <b>contribute</b> [1] - 1166:21<br/> <b>control</b> [5] - 1148:20, 1148:22, 1149:16, 1150:13, 1163:21<br/> <b>controlled</b> [4] - 1142:16, 1142:17, 1143:13, 1150:11<br/> <b>controlling</b> [1] - 1148:19<br/> <b>convenient</b> [2] - 1165:1, 1236:11<br/> <b>conversation</b> [2] - 1096:3, 1156:14<br/> <b>conversations</b> [2] - 1090:21, 1111:10<br/> <b>converts</b> [1] - 1190:6<br/> <b>conviction</b> [1] - 1179:14<br/> <b>convictions</b> [2] - 1099:20, 1099:22<br/> <b>COOK</b> [38] - 1080:17, 1121:15, 1121:24, 1122:6, 1132:12, 1137:1, 1137:5, 1146:12, 1146:22, 1147:2, 1149:20, 1152:12, 1152:15, 1153:2, 1154:2, 1161:2, 1165:3, 1165:5, 1165:6, 1165:18, 1166:2, 1166:13, 1166:14, 1171:5, 1179:20, 1180:9, 1180:13, 1181:2, 1183:25, 1184:3, 1203:12, 1217:13, 1217:17, 1223:2, 1226:2, 1227:18, 1227:21, 1260:6<br/> <b>cooperate</b> [1] - 1104:23<br/> <b>cooperated</b> [1] - 1098:21<br/> <b>cooperating</b> [1] - 1118:5<br/> <b>copy</b> [8] - 1085:14, 1085:19, 1085:20, 1089:3, 1231:5, 1231:24, 1236:14, 1250:14<br/> <b>core</b> [5] - 1130:4, 1135:3, 1135:17, 1166:24, 1221:16<br/> <b>corner</b> [1] - 1220:7<br/> <b>corporation</b> [2] - 1140:16, 1140:21<br/> <b>Corporation</b> [1] - 1128:7</p> |
|---|---|---|

|  |   |  |
|--|---|--|
| <p><b>corporations</b> [2] - 1171:17, 1171:19</p> <p><b>Correct</b> [16] - 1204:15, 1204:25, 1205:3, 1206:3, 1206:5, 1206:22, 1207:7, 1207:11, 1208:5, 1209:3, 1211:7, 1212:6, 1216:19, 1216:21, 1217:25, 1224:7</p> <p><b>correct</b> [200] - 1087:15, 1087:19, 1087:20, 1087:22, 1088:1, 1092:17, 1092:19, 1093:3, 1093:4, 1093:16, 1093:19, 1093:20, 1094:5, 1094:11, 1094:23, 1095:5, 1095:9, 1095:14, 1095:21, 1095:22, 1095:25, 1096:6, 1096:18, 1096:22, 1096:23, 1097:5, 1097:8, 1097:9, 1097:14, 1097:17, 1098:7, 1098:9, 1098:24, 1099:6, 1099:11, 1099:15, 1100:1, 1100:21, 1100:22, 1100:24, 1101:6, 1101:12, 1101:15, 1101:18, 1102:8, 1102:11, 1102:14, 1102:15, 1102:18, 1102:19, 1102:22, 1102:24, 1103:2, 1103:5, 1103:12, 1103:13, 1103:18, 1103:19, 1103:23, 1104:5, 1104:6, 1104:20, 1104:23, 1105:3, 1105:6, 1105:10, 1106:7, 1106:14, 1106:19, 1107:10, 1107:13, 1107:14, 1107:18, 1107:23, 1107:25, 1108:4, 1108:6, 1108:9, 1108:11, 1108:15, 1108:18, 1108:22, 1108:25, 1109:3, 1109:7, 1109:21, 1109:25, 1110:4, 1110:9, 1110:12, 1110:17, 1110:19, 1110:24, 1111:6, 1111:15, 1112:10, 1112:14, 1113:17, 1114:7, 1114:25, 1115:3, 1115:6, 1116:16, 1116:18, 1117:7, 1117:17, 1118:2, 1119:14, 1120:8, 1125:7, 1127:7, 1127:8, 1127:10, 1128:9, 1132:8, 1141:8, 1185:20, 1186:3, 1186:9, 1186:15, 1186:18, 1186:20, 1186:21, 1186:23, 1186:25, 1187:2, 1187:3, 1187:11, 1187:12, 1187:13, 1187:22, 1188:4, 1188:10, 1188:21, 1189:5, 1189:8, 1189:9, 1189:12, 1189:20, 1189:21, 1190:4, 1190:16, 1190:20, 1190:21, 1190:24, 1191:12, 1191:23, 1192:5, 1192:12, 1192:18, 1193:1, 1193:4, 1193:9, 1193:12, 1193:17, 1193:19, 1193:23, 1194:9, 1194:15, 1195:14, 1195:23, 1195:24, 1196:2, 1196:12, 1196:13, 1196:17, 1196:21, 1196:24, 1197:2, 1197:5, 1198:6, 1198:8, 1198:18, 1198:20, 1198:23, 1199:11, 1199:12, 1199:13, 1200:11, 1200:16, 1201:21, 1201:23, 1202:12, 1204:5, 1204:6, 1206:25, 1207:2, 1207:19, 1207:22, 1208:6, 1211:6, 1211:24, 1212:7, 1216:18, 1217:24, 1224:6, 1226:6, 1235:21, 1238:21, 1258:21</p> <p><b>corrected</b> [1] - 1214:16</p> <p><b>correlated</b> [1] - 1210:24</p> <p><b>correlates</b> [1] - 1211:6</p> <p><b>correlation</b> [1] - 1210:22</p> <p><b>corresponding</b> [1] - 1242:20</p> | <p><b>corrupt</b> [3] - 1170:19, 1171:14, 1171:19</p> <p><b>corruption</b> [3] - 1170:20, 1170:21, 1170:22</p> <p><b>Council</b> [1] - 1196:23</p> <p><b>council</b> [1] - 1140:17</p> <p><b>Counsel</b> [7] - 1213:2, 1216:13, 1217:18, 1248:20, 1249:1, 1251:22, 1257:9</p> <p><b>counsel</b> [10] - 1081:5, 1088:4, 1092:14, 1203:24, 1204:1, 1205:24, 1231:3, 1234:10, 1234:14, 1236:10</p> <p><b>count</b> [1] - 1093:19</p> <p><b>counter</b> [1] - 1125:6</p> <p><b>counter-radicalization</b> [1] - 1125:6</p> <p><b>counterterrorism</b> [2] - 1127:18, 1224:24</p> <p><b>counting</b> [1] - 1187:9</p> <p><b>countries</b> [18] - 1124:7, 1125:15, 1126:17, 1129:20, 1130:13, 1130:24, 1131:5, 1131:7, 1132:5, 1134:17, 1147:8, 1152:18, 1171:18, 1173:10, 1188:15, 1188:24, 1190:15, 1190:18</p> <p><b>country</b> [5] - 1154:17, 1179:8, 1180:5, 1190:19, 1197:12</p> <p><b>couple</b> [3] - 1081:4, 1092:11, 1107:8</p> <p><b>Couple</b> [1] - 1150:9</p> <p><b>course</b> [19] - 1107:21, 1111:17, 1130:2, 1134:14, 1135:23, 1138:11, 1156:5, 1167:1, 1167:13, 1167:16, 1174:1, 1175:7, 1187:13, 1192:10, 1192:15, 1209:23, 1212:10, 1216:25, 1248:11</p> <p><b>COURT</b> [146] - 1080:1, 1081:2, 1081:7, 1085:13, 1085:23, 1086:7, 1086:13, 1086:21, 1087:4, 1087:7, 1088:8, 1088:16, 1088:19, 1089:4, 1089:20, 1090:1, 1090:5, 1090:10, 1090:15, 1090:24, 1091:1, 1092:2, 1092:6, 1109:16, 1115:12, 1120:5, 1121:1, 1121:6, 1121:10, 1121:13, 1121:23, 1132:16, 1146:25, 1151:17, 1152:8, 1152:13, 1152:22, 1155:11, 1165:1, 1165:4, 1165:20, 1165:25, 1166:4, 1166:8, 1166:11, 1178:14, 1179:17, 1180:2, 1180:6, 1180:11, 1184:1, 1184:4, 1184:8, 1184:10, 1184:13, 1184:20, 1185:5, 1185:8, 1185:11, 1203:14, 1203:16, 1203:18, 1203:24, 1212:16, 1212:20, 1213:10, 1213:18, 1213:23, 1214:8, 1214:14, 1214:21, 1215:1, 1217:10, 1217:12, 1217:15, 1221:20, 1221:22, 1222:5, 1227:19, 1227:23, 1227:25, 1231:1, 1231:6, 1231:20, 1231:22, 1232:5, 1232:7, 1232:11, 1232:15, 1232:20, 1233:9, 1233:12, 1233:16, 1233:21, 1234:3, 1234:20, 1235:2, 1235:4, 1235:13, 1236:2, 1236:10, 1236:16, 1236:21, 1237:15, 1238:9, 1238:11, 1239:16, 1239:18, 1239:20, 1239:23, 1240:4, 1241:2, 1242:10, 1243:9, 1243:12, 1244:25, 1245:25, 1246:15, 1248:2, 1249:6, 1249:18, 1250:6, 1251:7, 1251:17, 1251:19, 1252:4, 1252:11,</p> | <p>1252:13, 1253:6, 1253:18, 1254:9, 1254:18, 1255:8, 1255:11, 1255:20, 1256:2, 1256:14, 1257:2, 1257:24, 1258:3, 1258:9, 1258:12, 1258:18, 1258:23, 1259:9, 1259:17</p> <p><b>court</b> [29] - 1081:1, 1085:20, 1089:16, 1089:20, 1121:9, 1132:9, 1154:1, 1165:24, 1166:7, 1179:14, 1181:1, 1184:19, 1185:2, 1205:19, 1206:1, 1206:10, 1216:1, 1223:1, 1230:19, 1230:21, 1231:9, 1231:13, 1232:14, 1241:1, 1242:9, 1242:14, 1250:1, 1251:1</p> <p><b>Court</b> [16] - 1086:8, 1214:25, 1232:19, 1233:6, 1233:7, 1244:4, 1244:21, 1246:18, 1248:23, 1249:1, 1250:9, 1251:10, 1251:11, 1251:18, 1251:22</p> <p><b>COURTHOUSE</b> [1] - 1080:5</p> <p><b>courthouse</b> [1] - 1185:25</p> <p><b>courting</b> [1] - 1162:22</p> <p><b>courtroom</b> [3] - 1121:1, 1185:3, 1185:6</p> <p><b>COURTROOM</b> [5] - 1184:17, 1185:4, 1185:9, 1228:4, 1228:8</p> <p><b>cover</b> [2] - 1204:13, 1216:10</p> <p><b>covered</b> [1] - 1193:21</p> <p><b>create</b> [7] - 1134:11, 1139:17, 1166:17, 1168:14, 1174:23, 1181:21, 1213:13</p> <p><b>created</b> [8] - 1132:25, 1133:4, 1157:22, 1163:22, 1166:16, 1166:18, 1166:20, 1174:25</p> <p><b>creating</b> [6] - 1138:13, 1139:21, 1145:20, 1163:17, 1171:21, 1220:24</p> <p><b>creation</b> [4] - 1188:8, 1253:13, 1256:21, 1256:22</p> <p><b>credentials</b> [1] - 1156:19</p> <p><b>credit</b> [1] - 1218:8</p> <p><b>crime</b> [1] - 1100:4</p> <p><b>crimes</b> [2] - 1111:14, 1246:9</p> <p><b>criminal</b> [1] - 1082:21</p> <p><b>CRIMINAL</b> [1] - 1080:10</p> <p><b>critical</b> [1] - 1206:15</p> <p><b>CROSS</b> [4] - 1087:9, 1185:14, 1260:3, 1260:7</p> <p><b>cross</b> [12] - 1084:22, 1087:8, 1089:6, 1137:14, 1184:5, 1185:12, 1222:6, 1232:24, 1234:11, 1239:16, 1258:25, 1259:1</p> <p><b>cross-examination</b> [7] - 1087:8, 1184:5, 1185:12, 1222:6, 1234:11, 1258:25, 1259:1</p> <p><b>CROSS-EXAMINATION</b> [4] - 1087:9, 1185:14, 1260:3, 1260:7</p> <p><b>cross-examine</b> [1] - 1089:6</p> <p><b>cross-examining</b> [1] - 1084:22</p> <p><b>crucial</b> [1] - 1210:14</p> <p><b>crucially</b> [2] - 1161:13, 1161:14</p> <p><b>crusaders</b> [1] - 1169:4</p> <p><b>cultural</b> [2] - 1209:14, 1226:23</p> <p><b>culturally</b> [2] - 1175:9, 1178:4</p> <p><b>culture</b> [1] - 1126:16</p> <p><b>current</b> [3] - 1174:9, 1182:18, 1255:22</p> |
|--|---|--|



|  |  |  |
|--|--|--|
| <p><b>curriculum</b> <sup>[1]</sup> - 1128:14<br/> <b>custodian</b> <sup>[1]</sup> - 1251:25<br/> <b>custody</b> <sup>[4]</sup> - 1085:19, 1085:20, 1116:12, 1119:9<br/> <b>cut</b> <sup>[2]</sup> - 1081:15, 1082:1<br/> <b>cuts</b> <sup>[1]</sup> - 1095:24</p>   | <p><b>defeated</b> <sup>[3]</sup> - 1134:15, 1142:10, 1142:14<br/> <b>defeating</b> <sup>[1]</sup> - 1142:8<br/> <b>defend</b> <sup>[2]</sup> - 1139:4, 1169:15<br/> <b>defendant</b> <sup>[21]</sup> - 1080:7, 1081:2, 1081:20, 1081:22, 1083:7, 1119:16, 1121:10, 1185:5, 1243:2, 1243:9, 1246:23, 1246:24, 1247:4, 1248:3, 1253:24, 1254:3, 1254:22, 1255:16, 1256:3, 1257:13<br/> <b>Defendant</b> <sup>[3]</sup> - 1080:19, 1185:6, 1213:8<br/> <b>defendant's</b> <sup>[4]</sup> - 1092:3, 1157:9, 1243:5, 1244:12<br/> <b>Defendant's</b> <sup>[6]</sup> - 1088:12, 1202:18, 1216:4, 1233:4, 1260:12, 1260:14<br/> <b>defending</b> <sup>[2]</sup> - 1138:22<br/> <b>defense</b> <sup>[13]</sup> - 1081:5, 1081:16, 1084:18, 1084:20, 1086:14, 1089:5, 1213:24, 1214:6, 1232:3, 1234:9, 1234:14, 1236:10, 1245:25<br/> <b>Defense</b> <sup>[19]</sup> - 1203:3, 1203:8, 1203:11, 1203:17, 1212:18, 1231:3, 1231:5, 1231:23, 1232:20, 1233:1, 1249:13, 1250:24, 1251:22, 1252:5, 1252:7, 1253:23, 1255:3, 1255:4, 1257:9<br/> <b>define</b> <sup>[1]</sup> - 1137:24<br/> <b>defined</b> <sup>[1]</sup> - 1220:9<br/> <b>definite</b> <sup>[1]</sup> - 1233:17<br/> <b>definitely</b> <sup>[3]</sup> - 1173:1, 1220:10, 1247:7<br/> <b>definition</b> <sup>[5]</sup> - 1192:22, 1207:13, 1207:16, 1207:21, 1208:4<br/> <b>definitions</b> <sup>[1]</sup> - 1207:19<br/> <b>degree</b> <sup>[7]</sup> - 1126:2, 1126:6, 1126:7, 1126:13, 1126:18, 1150:13, 1186:14<br/> <b>degrees</b> <sup>[1]</sup> - 1176:15<br/> <b>delay</b> <sup>[1]</sup> - 1083:1<br/> <b>delegations</b> <sup>[2]</sup> - 1124:7, 1124:15<br/> <b>deleted</b> <sup>[1]</sup> - 1103:4<br/> <b>deliberations</b> <sup>[1]</sup> - 1250:12<br/> <b>delivered</b> <sup>[1]</sup> - 1084:13<br/> <b>democracy</b> <sup>[2]</sup> - 1140:3, 1171:16<br/> <b>democratic</b> <sup>[1]</sup> - 1206:20<br/> <b>demographic</b> <sup>[1]</sup> - 1209:14<br/> <b>demographics</b> <sup>[1]</sup> - 1187:8<br/> <b>demonstrated</b> <sup>[1]</sup> - 1141:25<br/> <b>demonstrates</b> <sup>[1]</sup> - 1090:13<br/> <b>demoralizing</b> <sup>[2]</sup> - 1171:21, 1171:22<br/> <b>Denver</b> <sup>[1]</sup> - 1101:8<br/> <b>dep</b> <sup>[1]</sup> - 1214:11<br/> <b>Department</b> <sup>[6]</sup> - 1123:24, 1124:4, 1124:8, 1124:11, 1229:14<br/> <b>dependency</b> <sup>[1]</sup> - 1199:20<br/> <b>depicted</b> <sup>[2]</sup> - 1203:8, 1253:25<br/> <b>deposition</b> <sup>[7]</sup> - 1112:16, 1214:15, 1233:6, 1248:20, 1249:1, 1250:1, 1251:1<br/> <b>depression</b> <sup>[1]</sup> - 1092:23<br/> <b>depth</b> <sup>[2]</sup> - 1084:9, 1255:23<br/> <b>DEPUTY</b> <sup>[5]</sup> - 1184:17, 1185:4, 1185:9, 1228:4, 1228:8<br/> <b>describe</b> <sup>[13]</sup> - 1111:8, 1125:25,</p> | <p>1127:23, 1140:12, 1144:11, 1155:8, 1159:2, 1159:5, 1176:7, 1182:1, 1182:7, 1183:15, 1254:14<br/> <b>Describe</b> <sup>[1]</sup> - 1148:12<br/> <b>described</b> <sup>[12]</sup> - 1081:12, 1086:4, 1108:2, 1142:19, 1149:24, 1154:3, 1154:10, 1156:25, 1169:23, 1182:21, 1217:23, 1234:25<br/> <b>describing</b> <sup>[2]</sup> - 1135:5, 1163:5<br/> <b>descriptions</b> <sup>[2]</sup> - 1257:15, 1257:16<br/> <b>deserts</b> <sup>[1]</sup> - 1199:7<br/> <b>design</b> <sup>[1]</sup> - 1082:12<br/> <b>designated</b> <sup>[2]</sup> - 1189:16, 1206:23<br/> <b>desperately</b> <sup>[1]</sup> - 1219:4<br/> <b>despite</b> <sup>[1]</sup> - 1172:6<br/> <b>Despite</b> <sup>[1]</sup> - 1208:2<br/> <b>destroyer</b> <sup>[1]</sup> - 1148:1<br/> <b>destruction</b> <sup>[1]</sup> - 1104:19<br/> <b>detail</b> <sup>[1]</sup> - 1234:4<br/> <b>details</b> <sup>[1]</sup> - 1179:25<br/> <b>determination</b> <sup>[1]</sup> - 1244:22<br/> <b>develop</b> <sup>[1]</sup> - 1145:4<br/> <b>developed</b> <sup>[4]</sup> - 1158:22, 1187:23, 1188:23, 1199:16<br/> <b>device</b> <sup>[1]</sup> - 1114:24<br/> <b>devoted</b> <sup>[1]</sup> - 1123:8<br/> <b>DIANE</b> <sup>[1]</sup> - 1080:23<br/> <b>die</b> <sup>[1]</sup> - 1171:18<br/> <b>died</b> <sup>[12]</sup> - 1114:9, 1164:11, 1173:23, 1173:25, 1174:14, 1174:19, 1174:21, 1194:17, 1207:4, 1238:16, 1238:20, 1238:24<br/> <b>difference</b> <sup>[2]</sup> - 1143:24, 1210:21<br/> <b>different</b> <sup>[46]</sup> - 1085:2, 1098:15, 1099:19, 1101:1, 1103:22, 1109:20, 1129:21, 1130:12, 1130:16, 1130:19, 1132:1, 1139:22, 1142:25, 1149:1, 1154:20, 1155:13, 1155:15, 1157:22, 1162:14, 1164:11, 1165:10, 1174:1, 1182:3, 1186:7, 1187:20, 1188:1, 1188:3, 1188:14, 1188:15, 1192:13, 1195:7, 1196:6, 1196:7, 1196:10, 1203:22, 1208:10, 1208:22, 1209:17, 1210:12, 1213:17, 1214:3, 1218:17, 1234:25, 1254:21<br/> <b>Different</b> <sup>[2]</sup> - 1139:20, 1218:17<br/> <b>difficult</b> <sup>[6]</sup> - 1081:9, 1137:19, 1138:4, 1138:7, 1150:16, 1156:5<br/> <b>Difficult</b> <sup>[1]</sup> - 1154:22<br/> <b>difficulty</b> <sup>[1]</sup> - 1256:16<br/> <b>dilemma</b> <sup>[2]</sup> - 1163:8, 1163:11<br/> <b>dime</b> <sup>[1]</sup> - 1232:16<br/> <b>diplomacy</b> <sup>[1]</sup> - 1126:4<br/> <b>DIRECT</b> <sup>[4]</sup> - 1122:5, 1229:5, 1260:6, 1260:9<br/> <b>direct</b> <sup>[14]</sup> - 1127:2, 1147:15, 1155:16, 1155:24, 1156:2, 1165:25, 1185:18, 1187:19, 1188:8, 1188:10, 1193:6, 1205:16, 1207:9, 1218:11<br/> <b>directed</b> <sup>[1]</sup> - 1171:12<br/> <b>directing</b> <sup>[1]</sup> - 1258:7</p> |
| <b>D</b>   |  |  |
| <p><b>D-1</b> <sup>[1]</sup> - 1097:22<br/> <b>D-9</b> <sup>[1]</sup> - 1088:15<br/> <b>D.C</b> <sup>[3]</sup> - 1112:2, 1125:13, 1128:6<br/> <b>danger</b> <sup>[1]</sup> - 1102:10<br/> <b>Danish</b> <sup>[1]</sup> - 1170:6<br/> <b>Dar</b> <sup>[1]</sup> - 1147:22<br/> <b>Dari</b> <sup>[1]</sup> - 1229:17<br/> <b>Date</b> <sup>[1]</sup> - 1092:10<br/> <b>date</b> <sup>[1]</sup> - 1233:19<br/> <b>dated</b> <sup>[1]</sup> - 1257:1<br/> <b>dates</b> <sup>[1]</sup> - 1168:11<br/> <b>dating</b> <sup>[1]</sup> - 1223:19<br/> <b>Daubert</b> <sup>[4]</sup> - 1083:11, 1083:16, 1083:18, 1083:21<br/> <b>Dawa</b> <sup>[9]</sup> - 1189:8, 1189:16, 1189:23, 1190:9, 1190:14, 1190:23, 1191:1, 1191:5, 1192:4<br/> <b>dawa</b> <sup>[2]</sup> - 1191:13, 1191:19<br/> <b>Dawa-e-Tabligh</b> <sup>[9]</sup> - 1189:8, 1189:16, 1189:23, 1190:9, 1190:14, 1190:23, 1191:1, 1191:5, 1192:4<br/> <b>day-to-day</b> <sup>[1]</sup> - 1178:7<br/> <b>days</b> <sup>[5]</sup> - 1107:21, 1162:18, 1168:11, 1172:1, 1241:10<br/> <b>daytime</b> <sup>[1]</sup> - 1093:11<br/> <b>dead</b> <sup>[4]</sup> - 1238:20, 1238:24, 1239:1, 1239:5<br/> <b>deal</b> <sup>[4]</sup> - 1081:7, 1099:14, 1234:10, 1235:9<br/> <b>dealing</b> <sup>[3]</sup> - 1140:21, 1140:24, 1250:5<br/> <b>deals</b> <sup>[1]</sup> - 1140:25<br/> <b>death</b> <sup>[4]</sup> - 1178:1, 1212:12, 1216:23, 1217:2<br/> <b>debatable</b> <sup>[2]</sup> - 1205:7, 1206:14<br/> <b>debate</b> <sup>[2]</sup> - 1207:15, 1207:18<br/> <b>deceit</b> <sup>[1]</sup> - 1105:12<br/> <b>December</b> <sup>[2]</sup> - 1108:21, 1207:2<br/> <b>decide</b> <sup>[1]</sup> - 1102:18<br/> <b>decided</b> <sup>[2]</sup> - 1104:7, 1104:8<br/> <b>deciding</b> <sup>[1]</sup> - 1248:12<br/> <b>decision</b> <sup>[2]</sup> - 1125:8, 1191:21<br/> <b>decision-making</b> <sup>[1]</sup> - 1125:8<br/> <b>decisions</b> <sup>[3]</sup> - 1125:5, 1140:19, 1141:7<br/> <b>declarant</b> <sup>[2]</sup> - 1089:17<br/> <b>declaration</b> <sup>[2]</sup> - 1089:20, 1144:18<br/> <b>declarations</b> <sup>[1]</sup> - 1144:25<br/> <b>declare</b> <sup>[1]</sup> - 1139:1<br/> <b>declares</b> <sup>[1]</sup> - 1138:25<br/> <b>decrease</b> <sup>[1]</sup> - 1172:24<br/> <b>decree</b> <sup>[3]</sup> - 1144:20, 1144:23, 1144:24<br/> <b>deep</b> <sup>[2]</sup> - 1133:16, 1178:1<br/> <b>defeat</b> <sup>[2]</sup> - 1134:16, 1172:8</p> |  |  |

|   |   |  |
|---|---|--|
| <p><b>directions</b> [2] - 1149:2, 1149:5<br/> <b>directly</b> [4] - 1147:18, 1170:12, 1171:7, 1205:17<br/> <b>director</b> [3] - 1109:3, 1122:11, 1125:9<br/> <b>disadvantage</b> [1] - 1084:20<br/> <b>disbanded</b> [1] - 1199:25<br/> <b>discipline</b> [1] - 1126:11<br/> <b>disciplines</b> [1] - 1084:1<br/> <b>disclose</b> [3] - 1084:19, 1086:16<br/> <b>disclosed</b> [2] - 1257:16, 1257:21<br/> <b>disclosure</b> [3] - 1213:14, 1253:11, 1253:17<br/> <b>discoverable</b> [3] - 1084:15, 1085:3, 1086:1<br/> <b>discretion</b> [2] - 1250:16, 1250:17<br/> <b>discussed</b> [3] - 1081:8, 1105:1, 1250:23<br/> <b>discussing</b> [2] - 1155:2, 1188:8<br/> <b>discussion</b> [1] - 1110:16<br/> <b>dishonesty</b> [2] - 1105:12, 1117:13<br/> <b>dispatched</b> [1] - 1223:25<br/> <b>dispersed</b> [2] - 1148:24, 1148:25<br/> <b>dispose</b> [2] - 1102:23, 1103:25<br/> <b>disproportionate</b> [1] - 1221:14<br/> <b>disseminate</b> [3] - 1173:3, 1177:20, 1196:23<br/> <b>disseminated</b> [1] - 1176:24<br/> <b>dissemination</b> [1] - 1177:12<br/> <b>dissension</b> [1] - 1171:21<br/> <b>dissertation</b> [3] - 1127:11, 1127:13, 1129:9<br/> <b>distinct</b> [1] - 1187:21<br/> <b>distinctive</b> [1] - 1243:1<br/> <b>DISTRICT</b> [3] - 1080:1, 1080:1, 1080:11<br/> <b>District</b> [1] - 1080:14<br/> <b>diverse</b> [2] - 1183:22, 1209:20<br/> <b>division</b> [1] - 1133:25<br/> <b>docket</b> [3] - 1085:17, 1085:18, 1251:9<br/> <b>doctoral</b> [1] - 1128:6<br/> <b>doctorate</b> [1] - 1128:3<br/> <b>document</b> [24] - 1088:12, 1089:15, 1089:25, 1090:25, 1092:2, 1092:8, 1092:10, 1137:1, 1146:12, 1149:20, 1202:17, 1204:1, 1206:6, 1207:25, 1216:15, 1221:1, 1221:3, 1230:25, 1231:9, 1231:11, 1231:13, 1233:23, 1234:13, 1237:19<br/> <b>documentaries</b> [1] - 1164:6<br/> <b>documented</b> [1] - 1156:16<br/> <b>documents</b> [13] - 1084:21, 1088:7, 1122:22, 1123:1, 1130:18, 1130:19, 1172:13, 1220:25, 1221:3, 1221:4, 1243:2, 1243:18, 1244:20<br/> <b>done</b> [20] - 1085:11, 1100:3, 1114:20, 1115:6, 1123:18, 1125:12, 1127:21, 1129:5, 1141:24, 1143:1, 1154:10, 1159:8, 1161:11, 1162:4, 1177:15, 1193:8, 1193:10, 1216:7, 1227:2, 1234:1<br/> <b>doubt</b> [1] - 1084:21<br/> <b>doubts</b> [1] - 1097:24<br/> <b>DOUGLAS</b> [1] - 1080:16</p> | <p><b>down</b> [8] - 1103:1, 1169:9, 1210:2, 1214:13, 1227:23, 1239:18, 1244:25, 1251:2<br/> <b>downed</b> [1] - 1112:3<br/> <b>download</b> [2] - 1103:18, 1103:20<br/> <b>downloaded</b> [1] - 1103:10<br/> <b>dozen</b> [3] - 1103:22, 1131:22, 1253:15<br/> <b>dozens</b> [2] - 1084:7, 1258:21<br/> <b>Dr</b> [19] - 1083:13, 1086:9, 1121:16, 1125:16, 1127:17, 1130:25, 1132:13, 1132:17, 1137:6, 1137:24, 1146:14, 1147:4, 1154:3, 1157:8, 1166:15, 1171:6, 1181:3, 1183:10, 1223:3<br/> <b>dr</b> [1] - 1227:7<br/> <b>Dratel</b> [2] - 1084:13, 1084:24<br/> <b>draw</b> [4] - 1122:17, 1122:19, 1137:12, 1169:23<br/> <b>drawing</b> [1] - 1133:3<br/> <b>drawn</b> [3] - 1133:25, 1248:8, 1248:9<br/> <b>dressed</b> [1] - 1108:2<br/> <b>drew</b> [1] - 1133:7<br/> <b>driver</b> [4] - 1101:8, 1108:3, 1117:19, 1118:1<br/> <b>driving</b> [1] - 1219:25<br/> <b>drone</b> [3] - 1109:5, 1109:7, 1109:11<br/> <b>drop</b> [1] - 1118:16<br/> <b>due</b> [3] - 1093:2, 1142:20, 1156:25<br/> <b>duly</b> [3] - 1087:2, 1122:3, 1229:3<br/> <b>dumped</b> [1] - 1103:1<br/> <b>During</b> [4] - 1147:14, 1150:24, 1151:8, 1152:17<br/> <b>during</b> [8] - 1093:11, 1129:2, 1151:2, 1181:16, 1183:11, 1234:10, 1250:12, 1255:1<br/> <b>Dutch</b> [1] - 1126:23<br/> <b>duty</b> [4] - 1135:5, 1138:23, 1139:3, 1169:14<br/> <b>dying</b> [1] - 1239:1<br/> <b>dynamics</b> [1] - 1209:6</p> | <p><b>easy</b> [2] - 1103:11, 1214:22<br/> <b>ECF</b> [1] - 1085:17<br/> <b>echelons</b> [1] - 1196:19<br/> <b>ecochamber</b> [1] - 1166:25<br/> <b>edit</b> [1] - 1163:5<br/> <b>edited</b> [2] - 1129:10, 1131:13<br/> <b>editing</b> [1] - 1163:15<br/> <b>education</b> [1] - 1124:12<br/> <b>educational</b> [3] - 1125:25, 1230:1, 1230:5<br/> <b>effect</b> [1] - 1212:5<br/> <b>effective</b> [2] - 1177:22, 1218:19<br/> <b>effort</b> [2] - 1123:5, 1190:2<br/> <b>efforts</b> [3] - 1148:21, 1172:25, 1178:11<br/> <b>Egypt</b> [2] - 1131:9, 1188:17<br/> <b>Egyptian</b> [5] - 1135:10, 1135:11, 1188:18, 1197:15, 1197:16<br/> <b>eighth</b> [1] - 1097:23<br/> <b>either</b> [3] - 1084:18, 1084:22, 1249:10<br/> <b>elections</b> [2] - 1139:24, 1140:2<br/> <b>electronics</b> [1] - 1108:3<br/> <b>elegant</b> [1] - 1224:19<br/> <b>elements</b> [2] - 1182:23, 1242:16<br/> <b>elicit</b> [2] - 1179:12, 1179:25<br/> <b>eloquent</b> [1] - 1224:18<br/> <b>embassies</b> [3] - 1147:21, 1218:12, 1223:10<br/> <b>embassy</b> [4] - 1193:21, 1193:24, 1221:16, 1222:4<br/> <b>embrace</b> [3] - 1143:17, 1161:17, 1162:8<br/> <b>embraced</b> [1] - 1162:10<br/> <b>embraces</b> [1] - 1183:16<br/> <b>emerged</b> [1] - 1177:24<br/> <b>Emirates</b> [2] - 1131:11, 1147:10<br/> <b>emirates</b> [1] - 1147:10<br/> <b>emotions</b> [1] - 1164:21<br/> <b>emphasis</b> [2] - 1162:3, 1175:1<br/> <b>emphasizing</b> [1] - 1235:12<br/> <b>Empire</b> [1] - 1220:9<br/> <b>employed</b> [1] - 1122:10<br/> <b>encompass</b> [2] - 1209:1, 1209:4<br/> <b>encouraging</b> [5] - 1206:13, 1206:15, 1247:10, 1247:12, 1247:13<br/> <b>end</b> [8] - 1099:14, 1102:18, 1133:3, 1148:23, 1180:15, 1209:8, 1233:18, 1250:15<br/> <b>ended</b> [3] - 1099:20, 1134:25, 1143:5<br/> <b>ending</b> [1] - 1159:23<br/> <b>endorsed</b> [1] - 1143:23<br/> <b>endorsement</b> [1] - 1226:18<br/> <b>ends</b> [3] - 1154:1, 1216:1, 1223:1<br/> <b>enemies</b> [2] - 1172:8, 1182:17<br/> <b>enemy</b> [3] - 1170:14, 1170:17, 1218:20<br/> <b>enforcement</b> [1] - 1130:15<br/> <b>engage</b> [1] - 1124:14<br/> <b>engaged</b> [2] - 1105:12, 1169:7<br/> <b>engagement</b> [1] - 1138:14<br/> <b>English</b> [16] - 1175:1, 1175:6, 1175:11, 1175:15, 1175:17, 1175:18, 1176:1, 1176:5, 1177:16, 1177:23, 1183:9, 1238:4, 1238:15, 1256:11</p> |
| <b>E</b>  |   |  |
| <p><b>e-mail</b> [3] - 1246:4, 1254:4, 1254:6<br/> <b>e-mails</b> [2] - 1245:5, 1254:20<br/> <b>early</b> [22] - 1129:20, 1142:23, 1143:9, 1144:10, 1163:14, 1168:8, 1168:11, 1172:1, 1174:25, 1181:24, 1181:25, 1182:1, 1182:20, 1202:8, 1224:10, 1224:15, 1240:5, 1241:4, 1241:5, 1241:7, 1242:6<br/> <b>earned</b> [1] - 1106:6<br/> <b>earth</b> [1] - 1118:16<br/> <b>easier</b> [2] - 1156:7, 1173:8<br/> <b>East</b> [10] - 1080:15, 1126:14, 1127:9, 1131:5, 1146:4, 1146:8, 1146:9, 1154:18, 1171:16, 1179:24<br/> <b>east</b> [2] - 1149:8, 1150:4<br/> <b>eastern</b> [2] - 1130:4, 1171:18<br/> <b>EASTERN</b> [1] - 1080:1<br/> <b>Eastern</b> [6] - 1080:14, 1126:8, 1126:16, 1126:17, 1146:11, 1223:17</p>   |   |  |

|  |   |  |
|--|---|--|
| <p><b>English-speaking</b> <sup>[1]</sup> - 1176:1</p> <p><b>engulfed</b> <sup>[2]</sup> - 1142:9, 1143:9</p> <p><b>enormous</b> <sup>[3]</sup> - 1173:6, 1173:12, 1173:13</p> <p><b>enormously</b> <sup>[1]</sup> - 1082:21</p> <p><b>enrich</b> <sup>[1]</sup> - 1171:18</p> <p><b>ensconced</b> <sup>[2]</sup> - 1082:6, 1082:18</p> <p><b>entered</b> <sup>[2]</sup> - 1087:14, 1121:10</p> <p><b>enters</b> <sup>[7]</sup> - 1087:6, 1121:12, 1166:10, 1185:3, 1185:6, 1185:10, 1236:20</p> <p><b>entire</b> <sup>[3]</sup> - 1125:1, 1151:9, 1165:13</p> <p><b>entirely</b> <sup>[3]</sup> - 1116:17, 1163:15, 1242:5</p> <p><b>entitled</b> <sup>[3]</sup> - 1094:25, 1096:2, 1204:14</p> <p><b>environment</b> <sup>[1]</sup> - 1219:8</p> <p><b>equivalent</b> <sup>[2]</sup> - 1186:12, 1186:13</p> <p><b>es</b> <sup>[1]</sup> - 1147:22</p> <p><b>escaped</b> <sup>[1]</sup> - 1217:5</p> <p><b>especially</b> <sup>[1]</sup> - 1235:22</p> <p><b>ESQ</b> <sup>[8]</sup> - 1080:13, 1080:16, 1080:16, 1080:17, 1080:17, 1080:21, 1080:23, 1080:25</p> <p><b>essential</b> <sup>[1]</sup> - 1083:9</p> <p><b>essentially</b> <sup>[1]</sup> - 1081:12</p> <p><b>establish</b> <sup>[1]</sup> - 1179:21</p> <p><b>established</b> <sup>[10]</sup> - 1083:23, 1138:25, 1150:19, 1162:16, 1162:20, 1163:19, 1168:10, 1242:16, 1244:15, 1244:16</p> <p><b>establishes</b> <sup>[1]</sup> - 1247:15</p> <p><b>establishing</b> <sup>[1]</sup> - 1244:23</p> <p><b>estimates</b> <sup>[2]</sup> - 1190:8, 1190:17</p> <p><b>eulogize</b> <sup>[1]</sup> - 1164:10</p> <p><b>eulogized</b> <sup>[1]</sup> - 1217:2</p> <p><b>eulogizing</b> <sup>[3]</sup> - 1173:22, 1173:25, 1212:12</p> <p><b>eulogy</b> <sup>[1]</sup> - 1194:14</p> <p><b>Europe</b> <sup>[11]</sup> - 1125:24, 1128:22, 1129:1, 1129:12, 1129:15, 1129:19, 1129:22, 1130:3, 1130:6, 1130:25, 1198:17</p> <p><b>European</b> <sup>[4]</sup> - 1128:25, 1129:19, 1130:13, 1198:19</p> <p><b>Evan</b> <sup>[1]</sup> - 1253:11</p> <p><b>evasion</b> <sup>[1]</sup> - 1106:2</p> <p><b>event</b> <sup>[4]</sup> - 1148:7, 1179:22, 1210:7, 1248:21</p> <p><b>events</b> <sup>[2]</sup> - 1164:8, 1170:6</p> <p><b>eventually</b> <sup>[7]</sup> - 1104:13, 1161:18, 1172:8, 1175:7, 1175:14, 1183:17, 1214:11</p> <p><b>everyday</b> <sup>[1]</sup> - 1211:3</p> <p><b>evidence</b> <sup>[53]</sup> - 1081:10, 1081:17, 1081:18, 1089:13, 1090:2, 1090:9, 1092:3, 1097:22, 1102:23, 1103:25, 1137:2, 1149:23, 1170:3, 1203:11, 1203:23, 1231:18, 1231:25, 1232:3, 1233:3, 1235:10, 1235:16, 1235:17, 1235:24, 1236:5, 1236:13, 1236:23, 1238:8, 1238:12, 1242:13, 1242:17, 1243:4, 1243:8, 1243:13, 1243:21, 1244:9, 1244:23, 1244:24, 1246:7, 1246:17, 1248:5, 1248:7, 1248:8, 1248:13, 1248:17, 1249:4, 1249:7,</p> | <p>1254:2, 1254:6, 1254:8, 1254:15, 1258:17, 1258:19</p> <p><b>evidentiary</b> <sup>[1]</sup> - 1248:5</p> <p><b>evolved</b> <sup>[1]</sup> - 1226:4</p> <p><b>ex</b> <sup>[1]</sup> - 1085:14</p> <p><b>exact</b> <sup>[2]</sup> - 1214:20, 1236:9</p> <p><b>exactly</b> <sup>[8]</sup> - 1092:21, 1197:13, 1199:4, 1234:15, 1255:5, 1255:13, 1256:4, 1256:6</p> <p><b>examination</b> <sup>[8]</sup> - 1087:8, 1184:5, 1185:12, 1214:21, 1222:6, 1234:11, 1258:25, 1259:1</p> <p><b>EXAMINATION</b> <sup>[11]</sup> - 1087:9, 1115:14, 1122:5, 1185:14, 1217:16, 1229:5, 1260:3, 1260:4, 1260:6, 1260:7, 1260:9</p> <p><b>examine</b> <sup>[1]</sup> - 1089:6</p> <p><b>examined</b> <sup>[4]</sup> - 1087:3, 1122:3, 1229:3, 1232:25</p> <p><b>examining</b> <sup>[1]</sup> - 1084:22</p> <p><b>example</b> <sup>[16]</sup> - 1103:7, 1117:9, 1123:20, 1138:4, 1149:10, 1156:11, 1158:6, 1164:6, 1168:20, 1182:12, 1211:2, 1221:13, 1221:17, 1223:7, 1223:24, 1252:24</p> <p><b>examples</b> <sup>[2]</sup> - 1243:1, 1256:7</p> <p><b>exceeded</b> <sup>[1]</sup> - 1213:14</p> <p><b>exceptions</b> <sup>[1]</sup> - 1089:9</p> <p><b>excerpts</b> <sup>[7]</sup> - 1253:23, 1254:1, 1254:14, 1255:19, 1256:8, 1256:14, 1257:23</p> <p><b>Exchange</b> <sup>[1]</sup> - 1111:3</p> <p><b>exclusive</b> <sup>[1]</sup> - 1209:10</p> <p><b>excuse</b> <sup>[7]</sup> - 1112:10, 1114:5, 1115:22, 1119:20, 1200:7, 1232:9, 1246:4</p> <p><b>excused</b> <sup>[2]</sup> - 1227:24, 1239:19</p> <p><b>exemplars</b> <sup>[1]</sup> - 1243:2</p> <p><b>exercise</b> <sup>[1]</sup> - 1094:5</p> <p><b>exert</b> <sup>[1]</sup> - 1150:13</p> <p><b>Exhibits</b> <sup>[1]</sup> - 1244:1</p> <p><b>exhibit</b> <sup>[8]</sup> - 1147:5, 1213:3, 1214:25, 1234:10, 1235:22, 1236:4, 1236:21, 1238:13</p> <p><b>Exhibit</b> <sup>[44]</sup> - 1088:12, 1092:3, 1137:3, 1137:4, 1137:8, 1141:25, 1146:15, 1146:23, 1147:1, 1147:3, 1149:22, 1149:25, 1202:18, 1203:3, 1203:8, 1203:11, 1203:17, 1204:3, 1212:18, 1216:4, 1216:16, 1216:17, 1231:4, 1231:5, 1233:1, 1233:4, 1236:23, 1237:3, 1237:22, 1237:25, 1238:3, 1238:5, 1238:12, 1239:10, 1239:12, 1249:4, 1250:25, 1253:22, 1253:25, 1260:12, 1260:13, 1260:14, 1260:15, 1260:16</p> <p><b>EXHIBITS</b> <sup>[1]</sup> - 1260:11</p> <p><b>exhibits</b> <sup>[3]</sup> - 1233:5, 1236:13, 1242:21</p> <p><b>Exhibits</b> <sup>[9]</sup> - 1242:20, 1243:19, 1243:20, 1251:5, 1255:4, 1257:11, 1258:1, 1260:17, 1260:18</p> <p><b>exist</b> <sup>[1]</sup> - 1134:12</p> <p><b>existed</b> <sup>[3]</sup> - 1107:17, 1141:16, 1145:21</p> | <p><b>existing</b> <sup>[1]</sup> - 1192:21</p> <p><b>exists</b> <sup>[1]</sup> - 1085:21</p> <p><b>exits</b> <sup>[5]</sup> - 1121:5, 1165:23, 1184:18, 1232:13, 1242:8</p> <p><b>expand</b> <sup>[1]</sup> - 1161:20</p> |
|--|---|--|



|   |  |  |
|---|--|--|
| <p>1103:20, 1114:19, 1125:7, 1134:14, 1145:7, 1157:11, 1178:1, 1185:24, 1196:14, 1206:1, 1208:1, 1235:16, 1248:2, 1251:25, 1259:4</p> <p><b>fact-based</b> [1] - 1125:7</p> <p><b>faction</b> [2] - 1135:10, 1135:11</p> <p><b>factions</b> [2] - 1142:15, 1142:25</p> <p><b>factors</b> [4] - 1083:16, 1083:19, 1083:20, 1083:21</p> <p><b>facts</b> [2] - 1083:23, 1244:9</p> <p><b>factual</b> [1] - 1157:11</p> <p><b>failed</b> [1] - 1219:10</p> <p><b>fair</b> [25] - 1140:15, 1186:14, 1187:7, 1188:7, 1188:12, 1189:22, 1190:8, 1190:14, 1191:8, 1191:15, 1192:19, 1194:22, 1195:15, 1195:16, 1195:17, 1198:9, 1198:12, 1199:5, 1199:9, 1202:7, 1203:9, 1204:4, 1205:4, 1210:1, 1218:22</p> <p><b>fairly</b> [5] - 1164:1, 1164:12, 1174:11, 1214:22, 1222:5</p> <p><b>faith</b> [9] - 1138:1, 1143:19, 1158:13, 1158:19, 1189:20, 1190:1, 1190:3, 1209:10, 1213:16</p> <p><b>faiths</b> [1] - 1190:1</p> <p><b>fake</b> [2] - 1195:21, 1220:24</p> <p><b>fall</b> [1] - 1089:21</p> <p><b>familiar</b> [8] - 1122:23, 1155:4, 1191:13, 1192:10, 1192:16, 1197:11, 1204:17, 1216:22</p> <p><b>families</b> [2] - 1174:16, 1174:18</p> <p><b>family</b> [17] - 1094:10, 1095:16, 1096:3, 1117:8, 1118:10, 1118:13, 1173:18, 1174:13, 1176:10, 1176:12, 1176:13, 1241:22, 1244:2, 1244:3, 1245:12, 1245:13, 1247:12</p> <p><b>famous</b> [2] - 1203:10, 1226:14</p> <p><b>fancy</b> [1] - 1108:3</p> <p><b>far</b> [3] - 1186:7, 1190:8, 1243:5</p> <p><b>Farekh</b> [4] - 1085:8, 1185:19, 1214:18, 1246:13</p> <p><b>FAREKH</b> [1] - 1080:6</p> <p><b>Farsi</b> [1] - 1229:17</p> <p><b>faster</b> [1] - 1206:7</p> <p><b>FATA</b> [10] - 1149:18, 1149:24, 1150:25, 1151:6, 1151:11, 1155:21, 1156:20, 1199:18, 1244:11</p> <p><b>father</b> [9] - 1159:11, 1159:18, 1175:24, 1176:11, 1197:10, 1213:12, 1254:6, 1254:7, 1254:10</p> <p><b>fatwa</b> [3] - 1144:19, 1144:22, 1144:23</p> <p><b>fault</b> [1] - 1236:17</p> <p><b>favoring</b> [1] - 1192:20</p> <p><b>FBI</b> [11] - 1104:3, 1104:13, 1123:24, 1178:11, 1179:8, 1179:25, 1229:8, 1229:10, 1230:14, 1230:15, 1230:17</p> <p><b>featured</b> [1] - 1175:15</p> <p><b>featuring</b> [1] - 1175:14</p> <p><b>federal</b> [3] - 1097:17, 1132:9, 1206:1</p> <p><b>Federal</b> [3] - 1107:15, 1128:23, 1229:10</p> <p><b>Federally</b> [1] - 1149:18</p> | <p><b>Federally-Administered</b> [1] - 1149:18</p> <p><b>fee</b> [1] - 1132:20</p> <p><b>feeds</b> [1] - 1094:25</p> <p><b>feelings</b> [1] - 1092:22</p> <p><b>fell</b> [1] - 1157:25</p> <p><b>fellow</b> [1] - 1128:2</p> <p><b>fellowship</b> [3] - 1127:25, 1128:4, 1128:6</p> <p><b>fellowships</b> [3] - 1127:21, 1127:24, 1128:10</p> <p><b>felt</b> [2] - 1126:24, 1161:4</p> <p><b>Ferid</b> [1] - 1246:11</p> <p><b>FERRONE</b> [2] - 1080:23, 1080:25</p> <p><b>few</b> [17] - 1086:10, 1123:21, 1129:3, 1149:3, 1149:8, 1154:23, 1155:6, 1156:16, 1157:18, 1158:21, 1165:22, 1176:3, 1241:19, 1242:11, 1245:6, 1251:25, 1256:7</p> <p><b>field</b> [7] - 1125:16, 1130:12, 1183:19, 1187:8, 1208:13, 1208:19, 1208:24</p> <p><b>fight</b> [15] - 1109:19, 1110:9, 1133:2, 1133:12, 1133:15, 1133:18, 1135:6, 1135:15, 1144:7, 1169:11, 1169:13, 1169:15, 1245:11, 1245:20</p> <p><b>fighter</b> [1] - 1247:17</p> <p><b>fighters</b> [13] - 1110:8, 1133:2, 1133:6, 1133:24, 1134:2, 1134:23, 1135:10, 1135:19, 1142:19, 1144:12, 1245:11, 1245:17, 1247:9</p> <p><b>fighting</b> [19] - 1111:19, 1133:9, 1134:13, 1138:10, 1138:11, 1138:13, 1139:4, 1139:7, 1142:10, 1142:15, 1143:3, 1144:12, 1148:18, 1171:15, 1174:19, 1182:16, 1226:16, 1227:6, 1245:22</p> <p><b>figure</b> [2] - 1176:16, 1227:15</p> <p><b>figures</b> [1] - 1176:1</p> <p><b>file</b> [1] - 1085:19</p> <p><b>filed</b> [4] - 1085:13, 1085:14, 1085:15, 1152:17</p> <p><b>files</b> [1] - 1103:5</p> <p><b>filig</b> [2] - 1085:9, 1085:17</p> <p><b>filled</b> [3] - 1117:23, 1117:24</p> <p><b>filmmaker</b> [1] - 1126:23</p> <p><b>final</b> [2] - 1242:24, 1253:8</p> <p><b>finally</b> [1] - 1120:15</p> <p><b>financial</b> [4] - 1145:18, 1146:10, 1174:18, 1221:12</p> <p><b>financiers</b> [2] - 1135:14, 1188:23</p> <p><b>fine</b> [4] - 1249:23, 1251:13, 1255:16, 1257:25</p> <p><b>finish</b> [6] - 1086:17, 1161:22, 1240:5, 1241:5, 1252:14, 1253:7</p> <p><b>finished</b> [4] - 1128:21, 1230:6, 1252:25</p> <p><b>finishing</b> [2] - 1128:3, 1176:11</p> <p><b>First</b> [2] - 1152:9, 1204:1</p> <p><b>first</b> [39] - 1081:7, 1086:22, 1093:9, 1102:13, 1122:3, 1126:25, 1129:5, 1129:16, 1129:23, 1137:10, 1147:20, 1159:10, 1160:7, 1161:5, 1162:2, 1162:7, 1162:18, 1168:10, 1171:24, 1172:5, 1173:7, 1175:6, 1177:6, 1177:9, 1182:11, 1213:3, 1216:9,</p> | <p>1219:3, 1223:8, 1223:19, 1225:7, 1229:3, 1241:3, 1241:19, 1242:18, 1245:14, 1246:17, 1251:8, 1256:17</p> <p><b>fish</b> [1] - 1173:17</p> <p><b>five</b> [12] - 1096:2, 1111:12, 1121:2, 1121:4, 1121:6, 1123:12, 1186:10, 1186:13, 1232:7, 1232:11, 1233:5, 1257:20</p> <p><b>five-minute</b> [1] - 1232:7</p> <p><b>five-year</b> [1] - 1186:10</p> <p><b>Fletcher</b> [3] - 1126:4, 1128:1, 1128:2</p> <p><b>flight</b> [1] - 1241:11</p> <p><b>Floor</b> [1] - 1080:24</p> <p><b>Florence</b> [1] - 1096:22</p> <p><b>flushed</b> [1] - 1103:1</p> <p><b>flying</b> [2] - 1155:14, 1155:15</p> <p><b>focus</b> [12] - 1125:14, 1125:23, 1125:24, 1126:6, 1126:7, 1127:18, 1129:14, 1130:2, 1154:5, 1161:23, 1208:20, 1210:16</p> <p><b>focused</b> [6] - 1082:3, 1126:13, 1127:8, 1129:1, 1143:25, 1144:2</p> <p><b>focuses</b> [1] - 1130:10</p> <p><b>focusing</b> [1] - 1151:5</p> <p><b>fodder</b> [1] - 1199:6</p> <p><b>fold</b> [1] - 1203:20</p> <p><b>follow</b> [2] - 1082:10, 1133:25</p> <p><b>followed</b> [1] - 1174:5</p> <p><b>followers</b> [5] - 1167:23, 1168:8, 1172:1, 1172:11, 1219:7</p> <p><b>following</b> [14] - 1086:23, 1089:1, 1091:9, 1111:25, 1112:20, 1152:1, 1180:17, 1184:23, 1202:20, 1213:1, 1222:1, 1228:11, 1240:1, 1240:8</p> <p><b>follows</b> [4] - 1087:3, 1122:4, 1152:22, 1229:4</p> <p><b>food</b> [2] - 1095:4, 1116:23</p> <p><b>FOR</b> [1] - 1080:10</p> <p><b>forces</b> [2] - 1145:7, 1148:16</p> <p><b>foreign</b> [10] - 1104:17, 1124:7, 1125:15, 1135:19, 1142:19, 1189:17, 1245:11, 1245:17, 1247:9, 1247:17</p> <p><b>forensics</b> [1] - 1243:6</p> <p><b>forge</b> [1] - 1221:5</p> <p><b>forget</b> [1] - 1204:14</p> <p><b>forging</b> [2] - 1221:2, 1221:3</p> <p><b>forgotten</b> [1] - 1233:22</p> <p><b>form</b> [2] - 1143:23, 1191:19</p> <p><b>formalized</b> [2] - 1158:4, 1192:3</p> <p><b>formed</b> [3] - 1129:22, 1188:12, 1189:6</p> <p><b>forms</b> [5] - 1117:21, 1117:23, 1117:24, 1191:18</p> <p><b>forward</b> [2] - 1099:25, 1151:5</p> <p><b>fought</b> [1] - 1142:24</p> <p><b>foundation</b> [8] - 1123:21, 1125:1, 1141:18, 1150:10, 1152:24, 1242:15, 1243:15, 1244:5</p> <p><b>foundational</b> [1] - 1172:12</p> <p><b>foundations</b> [1] - 1145:3</p> <p><b>founded</b> [2] - 1123:13, 1123:15</p> <p><b>founders</b> [1] - 1135:6</p> |
|---|--|--|

|  |  |  |
|--|--|--|
| <p><b>four</b> <sup>[5]</sup> - 1123:12, 1186:17, 1241:9, 1257:2, 1257:19</p> <p><b>four-day</b> <sup>[1]</sup> - 1257:2</p> <p><b>Fox</b> <sup>[3]</sup> - 1209:24, 1210:8, 1210:14</p> <p><b>frame</b> <sup>[4]</sup> - 1105:6, 1209:19, 1255:1, 1255:3</p> <p><b>framed</b> <sup>[1]</sup> - 1180:4</p> <p><b>frames</b> <sup>[4]</sup> - 1139:12, 1167:21, 1167:23, 1167:25</p> <p><b>frankly</b> <sup>[1]</sup> - 1236:3</p> <p><b>fraud</b> <sup>[4]</sup> - 1106:10, 1106:16, 1117:13</p> <p><b>free</b> <sup>[2]</sup> - 1103:14, 1103:16</p> <p><b>freedom</b> <sup>[1]</sup> - 1171:15</p> <p><b>freely</b> <sup>[3]</sup> - 1198:19, 1223:14, 1223:15</p> <p><b>frequent</b> <sup>[2]</sup> - 1177:3, 1208:2</p> <p><b>frequently</b> <sup>[6]</sup> - 1124:5, 1124:22, 1167:20, 1170:14, 1170:25, 1250:11</p> <p><b>fresh</b> <sup>[1]</sup> - 1242:5</p> <p><b>Friday</b> <sup>[1]</sup> - 1258:12</p> <p><b>friend</b> <sup>[2]</sup> - 1101:4, 1241:22</p> <p><b>friendly</b> <sup>[2]</sup> - 1175:3, 1175:5</p> <p><b>friends</b> <sup>[3]</sup> - 1095:16, 1109:20, 1248:16</p> <p><b>front</b> <sup>[6]</sup> - 1092:8, 1234:1, 1234:15, 1234:17, 1235:7, 1249:24</p> <p><b>full</b> <sup>[2]</sup> - 1085:22, 1256:12</p> <p><b>fully</b> <sup>[2]</sup> - 1150:11, 1177:8</p> <p><b>functioned</b> <sup>[2]</sup> - 1140:12, 1140:14</p> <p><b>fundamental</b> <sup>[2]</sup> - 1219:22, 1219:23</p> <p><b>funding</b> <sup>[1]</sup> - 1224:25</p> <p><b>funds</b> <sup>[1]</sup> - 1218:20</p> <p><b>furtherance</b> <sup>[3]</sup> - 1183:18, 1244:6, 1245:9</p> <p><b>furthering</b> <sup>[1]</sup> - 1247:14</p> <p><b>future</b> <sup>[1]</sup> - 1096:12</p> | <p>1170:9, 1171:17</p> <p><b>given</b> <sup>[8]</sup> - 1082:12, 1087:24, 1089:21, 1112:17, 1157:11, 1159:7, 1159:16, 1177:4</p> <p><b>global</b> <sup>[6]</sup> - 1144:1, 1144:2, 1163:1, 1164:7, 1169:3, 1169:19</p> <p><b>globally</b> <sup>[3]</sup> - 1162:14, 1163:2, 1199:16</p> <p><b>globe</b> <sup>[1]</sup> - 1158:15</p> <p><b>glorify</b> <sup>[1]</sup> - 1218:23</p> <p><b>glorious</b> <sup>[1]</sup> - 1111:8</p> <p><b>glowing</b> <sup>[1]</sup> - 1226:18</p> <p><b>glue</b> <sup>[1]</sup> - 1139:17</p> <p><b>goal</b> <sup>[15]</sup> - 1139:21, 1140:4, 1140:6, 1141:19, 1145:20, 1164:18, 1174:2, 1189:21, 1189:24, 1189:25, 1196:11, 1196:15, 1196:18, 1219:23, 1219:25</p> <p><b>goals</b> <sup>[10]</sup> - 1110:17, 1110:19, 1134:7, 1134:11, 1158:4, 1167:22, 1187:19, 1188:3, 1189:19, 1189:23</p> <p><b>God</b> <sup>[4]</sup> - 1114:22, 1138:4, 1138:8, 1138:10</p> <p><b>godless</b> <sup>[1]</sup> - 1133:13</p> <p><b>Google</b> <sup>[1]</sup> - 1103:21</p> <p><b>Googling</b> <sup>[1]</sup> - 1242:3</p> <p><b>governed</b> <sup>[1]</sup> - 1107:16</p> <p><b>Government</b> <sup>[53]</sup> - 1080:13, 1081:13, 1082:24, 1084:13, 1085:9, 1090:22, 1095:7, 1096:15, 1098:22, 1104:23, 1122:2, 1137:3, 1141:25, 1146:15, 1146:22, 1147:1, 1149:22, 1149:23, 1179:11, 1179:25, 1189:17, 1203:12, 1206:24, 1213:14, 1214:18, 1214:22, 1222:2, 1228:1, 1229:2, 1231:17, 1232:18, 1234:3, 1234:7, 1235:10, 1236:11, 1237:11, 1238:7, 1243:7, 1246:5, 1246:15, 1248:4, 1248:10, 1248:15, 1249:23, 1250:23, 1252:20, 1253:1, 1253:16, 1258:5, 1259:3, 1259:7, 1259:14, 1260:13</p> <p><b>government</b> <sup>[37]</sup> - 1090:17, 1106:5, 1111:22, 1112:9, 1115:5, 1116:25, 1118:3, 1118:4, 1119:18, 1119:19, 1119:21, 1119:22, 1119:25, 1120:6, 1120:9, 1120:12, 1121:7, 1121:15, 1122:22, 1123:2, 1123:19, 1124:1, 1129:4, 1132:12, 1134:8, 1143:11, 1143:19, 1143:21, 1143:23, 1149:7, 1149:15, 1150:12, 1150:14, 1171:19, 1236:3, 1236:9, 1236:12</p> <p><b>Government's</b> <sup>[37]</sup> - 1084:25, 1086:12, 1137:8, 1152:12, 1152:16, 1213:7, 1213:16, 1214:9, 1214:17, 1216:16, 1227:25, 1231:4, 1231:17, 1235:17, 1236:23, 1237:3, 1237:21, 1237:25, 1238:3, 1238:5, 1238:12, 1239:9, 1239:12, 1239:20, 1242:19, 1243:19, 1243:20, 1244:1, 1248:9, 1251:23, 1253:22, 1253:25, 1254:14, 1260:15, 1260:16, 1260:17, 1260:18</p> <p><b>government's</b> <sup>[1]</sup> - 1121:14</p> <p><b>governmental</b> <sup>[1]</sup> - 1132:3</p> | <p><b>governments</b> <sup>[1]</sup> - 1130:19</p> <p><b>grad</b> <sup>[2]</sup> - 1186:8, 1186:13</p> <p><b>graduate</b> <sup>[1]</sup> - 1176:14</p> <p><b>grand</b> <sup>[1]</sup> - 1196:18</p> <p><b>Grand</b> <sup>[1]</sup> - 1111:2</p> <p><b>grant</b> <sup>[1]</sup> - 1184:9</p> <p><b>granted</b> <sup>[1]</sup> - 1234:21</p> <p><b>great</b> <sup>[6]</sup> - 1114:22, 1161:8, 1174:4, 1174:6, 1198:9, 1255:23</p> <p><b>Great</b> <sup>[1]</sup> - 1204:11</p> <p><b>grew</b> <sup>[2]</sup> - 1113:14, 1186:2</p> <p><b>ground</b> <sup>[1]</sup> - 1173:14</p> <p><b>grounds</b> <sup>[3]</sup> - 1156:19, 1221:20, 1246:1</p> <p><b>group</b> <sup>[35]</sup> - 1126:21, 1133:1, 1133:6, 1133:24, 1134:2, 1134:4, 1134:21, 1134:23, 1135:19, 1138:18, 1140:18, 1142:6, 1142:12, 1142:19, 1142:22, 1143:12, 1148:4, 1148:17, 1148:19, 1148:24, 1156:4, 1156:18, 1158:18, 1158:22, 1162:10, 1162:25, 1189:19, 1191:24, 1192:3, 1195:11, 1209:19, 1210:6, 1246:21, 1247:4</p> <p><b>groups</b> <sup>[43]</sup> - 1083:24, 1123:7, 1127:3, 1127:17, 1130:20, 1138:15, 1138:19, 1139:2, 1139:5, 1139:20, 1140:4, 1141:16, 1141:19, 1141:22, 1142:10, 1143:13, 1143:17, 1145:17, 1145:22, 1150:20, 1154:7, 1156:20, 1157:23, 1158:2, 1158:5, 1158:22, 1158:24, 1159:8, 1168:14, 1169:11, 1169:15, 1174:12, 1188:6, 1188:14, 1189:4, 1191:6, 1196:6, 1196:11, 1199:16, 1199:18, 1208:23, 1225:3</p> <p><b>Groups</b> <sup>[2]</sup> - 1139:22, 1139:25</p> <p><b>growth</b> <sup>[1]</sup> - 1172:2</p> <p><b>guarantee</b> <sup>[1]</sup> - 1241:6</p> <p><b>guard</b> <sup>[1]</sup> - 1081:13</p> <p><b>guess</b> <sup>[6]</sup> - 1097:18, 1208:13, 1209:25, 1250:17, 1252:2, 1252:20</p> <p><b>guilty</b> <sup>[3]</sup> - 1111:14, 1111:17, 1179:22</p> <p><b>Gulf</b> <sup>[1]</sup> - 1145:13</p> <p><b>gulf</b> <sup>[1]</sup> - 1188:24</p> <p><b>guy</b> <sup>[2]</sup> - 1108:2, 1213:17</p> <p><b>guys</b> <sup>[1]</sup> - 1245:2</p> |
| <b>G</b>   |  |  |
| <p><b>Gadahn</b> <sup>[3]</sup> - 1175:14, 1175:19, 1175:21</p> <p><b>gain</b> <sup>[3]</sup> - 1218:18, 1219:7</p> <p><b>gained</b> <sup>[1]</sup> - 1134:13</p> <p><b>galvanized</b> <sup>[1]</sup> - 1134:14</p> <p><b>gatekeepers</b> <sup>[1]</sup> - 1155:20</p> <p><b>gateway</b> <sup>[2]</sup> - 1135:23, 1156:22</p> <p><b>gather</b> <sup>[2]</sup> - 1130:11, 1130:13</p> <p><b>general</b> <sup>[11]</sup> - 1165:12, 1169:2, 1170:18, 1170:21, 1182:1, 1187:8, 1190:11, 1197:24, 1206:16, 1247:16, 1254:16</p> <p><b>generally</b> <sup>[7]</sup> - 1157:23, 1158:20, 1159:10, 1164:4, 1174:19, 1194:18, 1199:8</p> <p><b>gentleman</b> <sup>[2]</sup> - 1110:16, 1234:25</p> <p><b>gentlemen</b> <sup>[6]</sup> - 1087:8, 1121:2, 1165:21, 1184:11, 1232:12, 1241:2</p> <p><b>geographical</b> <sup>[1]</sup> - 1220:9</p> <p><b>geographically</b> <sup>[1]</sup> - 1156:23</p> <p><b>Geographically</b> <sup>[1]</sup> - 1157:3</p> <p><b>geography</b> <sup>[1]</sup> - 1187:8</p> <p><b>geopolitical</b> <sup>[1]</sup> - 1182:19</p> <p><b>George</b> <sup>[1]</sup> - 1102:4</p> <p><b>Georgetown</b> <sup>[1]</sup> - 1122:12</p> <p><b>giant</b> <sup>[5]</sup> - 1166:25, 1169:3, 1169:8,</p>  |  |  |
| <b>H</b>   |  |  |
|  |  | <p><b>hadith</b> <sup>[3]</sup> - 1167:4, 1167:6, 1167:19</p> <p><b>hadiths</b> <sup>[2]</sup> - 1167:8, 1168:3</p> <p><b>Hafeez</b> <sup>[8]</sup> - 1107:25, 1110:6, 1111:10, 1113:6, 1246:19, 1246:22, 1246:24</p> <p><b>half</b> <sup>[10]</sup> - 1142:16, 1176:17, 1200:15, 1201:17, 1216:12, 1224:5, 1241:10, 1251:24, 1253:1, 1253:15</p> <p><b>half-second</b> <sup>[1]</sup> - 1216:12</p> <p><b>Hamad</b> <sup>[7]</sup> - 1108:11, 1110:16, 1110:22, 1111:11, 1112:12, 1112:24, 1112:25</p> <p><b>hand</b> <sup>[3]</sup> - 1121:17, 1139:4</p> <p><b>hand-in-hand</b> <sup>[1]</sup> - 1139:4</p> <p><b>handed</b> <sup>[1]</sup> - 1253:23</p> <p><b>handful</b> <sup>[1]</sup> - 1196:19</p>  |

|   |  |  |
|---|--|--|
| <p><b>handing</b> [1] - 1213:4<br/> <b>handle</b> [1] - 1248:23<br/> <b>handled</b> [1] - 1250:4<br/> <b>handwriting</b> [1] - 1242:24<br/> <b>handwritten</b> [2] - 1242:19, 1243:3<br/> <b>happy</b> [2] - 1116:4, 1180:9<br/> <b>harbored</b> [2] - 1148:1, 1149:7<br/> <b>hard</b> [3] - 1083:20, 1085:14, 1241:6<br/> <b>harm</b> [1] - 1120:18<br/> <b>harsh</b> [1] - 1096:11<br/> <b>Harvard</b> [1] - 1128:4<br/> <b>head</b> [2] - 1081:24, 1257:19<br/> <b>headline</b> [1] - 1241:19<br/> <b>health</b> [3] - 1106:16, 1117:13, 1117:24<br/> <b>hear</b> [5] - 1082:18, 1109:17, 1248:21, 1252:21, 1254:23<br/> <b>heard</b> [10] - 1083:3, 1096:25, 1100:19, 1109:10, 1109:13, 1109:14, 1109:15, 1109:16, 1235:5, 1242:25<br/> <b>hearditbefore</b> [1] - 1241:13<br/> <b>hearing</b> [7] - 1088:20, 1089:2, 1099:25, 1109:12, 1178:15, 1239:24, 1240:2<br/> <b>hearings</b> [2] - 1123:22, 1125:2<br/> <b>hearsay</b> [6] - 1089:5, 1089:9, 1089:15, 1090:25, 1120:4, 1244:8<br/> <b>heaven</b> [1] - 1174:22<br/> <b>heeded</b> [1] - 1235:2<br/> <b>held</b> [3] - 1088:20, 1178:15, 1239:24<br/> <b>help</b> [4] - 1082:24, 1152:4, 1171:16, 1258:7<br/> <b>helpful</b> [3] - 1083:8, 1083:9, 1111:4<br/> <b>hero</b> [4] - 1174:4, 1174:7, 1174:11, 1174:21<br/> <b>hide</b> [4] - 1150:16, 1159:8, 1159:16, 1161:8<br/> <b>hierarchical</b> [2] - 1140:15, 1199:19<br/> <b>high</b> [6] - 1107:22, 1139:9, 1150:13, 1186:9, 1186:11, 1230:6<br/> <b>high-ranking</b> [1] - 1107:22<br/> <b>higher</b> [1] - 1221:6<br/> <b>highlighted</b> [1] - 1235:11<br/> <b>highly</b> [3] - 1143:18, 1178:5<br/> <b>hijira</b> [2] - 1168:17, 1168:21<br/> <b>Hijrah</b> [1] - 1257:18<br/> <b>hijrah</b> [2] - 1168:5, 1168:6<br/> <b>himself</b> [2] - 1172:11, 1201:18<br/> <b>hint</b> [2] - 1087:24, 1098:17<br/> <b>hired</b> [1] - 1128:23<br/> <b>historical</b> [3] - 1157:14, 1182:4, 1202:13<br/> <b>history</b> [13] - 1126:16, 1129:17, 1150:19, 1150:21, 1152:4, 1172:4, 1172:9, 1187:23, 1188:10, 1193:7, 1194:10, 1199:23, 1202:14<br/> <b>hit</b> [1] - 1081:24<br/> <b>hold</b> [1] - 1235:24<br/> <b>holding</b> [1] - 1096:10<br/> <b>holidays</b> [1] - 1141:3<br/> <b>holy</b> [2] - 1144:7, 1144:8<br/> <b>home</b> [2] - 1241:4, 1252:21<br/> <b>homegrown</b> [2] - 1126:21, 1127:3</p> | <p><b>Homeland</b> [2] - 1123:25, 1229:14<br/> <b>honestly</b> [1] - 1234:11<br/> <b>Honor</b> [84] - 1081:6, 1085:7, 1085:16, 1086:6, 1088:6, 1088:15, 1088:17, 1089:5, 1089:10, 1092:5, 1115:11, 1115:13, 1120:3, 1120:21, 1121:15, 1121:24, 1132:12, 1152:16, 1153:2, 1165:18, 1166:2, 1166:5, 1166:13, 1171:5, 1179:20, 1180:9, 1183:25, 1184:3, 1184:6, 1185:13, 1212:15, 1212:19, 1213:11, 1213:13, 1213:22, 1214:7, 1214:16, 1214:24, 1215:3, 1216:12, 1217:13, 1217:14, 1227:18, 1228:10, 1230:25, 1231:23, 1232:1, 1232:2, 1232:3, 1232:9, 1232:21, 1232:22, 1232:23, 1234:9, 1234:16, 1236:1, 1236:6, 1236:25, 1239:21, 1240:3, 1242:13, 1242:25, 1243:22, 1245:5, 1246:16, 1248:19, 1249:5, 1249:15, 1249:25, 1250:22, 1252:10, 1253:10, 1253:21, 1254:5, 1254:19, 1255:18, 1256:4, 1256:16, 1257:5, 1258:11, 1259:15, 1259:18<br/> <b>HONORABLE</b> [1] - 1080:11<br/> <b>hope</b> [3] - 1087:23, 1099:2, 1100:10<br/> <b>hopefully</b> [2] - 1211:2, 1253:7<br/> <b>hoping</b> [2] - 1105:5, 1116:6<br/> <b>hosting</b> [1] - 1124:7<br/> <b>hotel</b> [1] - 1244:17<br/> <b>hour</b> [2] - 1113:21, 1184:16<br/> <b>hourly</b> [1] - 1132:20<br/> <b>hours</b> [6] - 1093:13, 1096:2, 1097:5, 1204:21, 1204:23, 1250:14<br/> <b>House</b> [2] - 1123:22, 1125:2<br/> <b>housekeeping</b> [4] - 1233:21, 1234:4, 1242:11, 1243:23<br/> <b>huge</b> [1] - 1235:9<br/> <b>hundred</b> [2] - 1103:22, 1154:22<br/> <b>hundreds</b> [3] - 1083:25, 1099:16, 1204:21<br/> <b>Hundreds</b> [1] - 1204:23<br/> <b>hungry</b> [1] - 1184:11<br/> <b>husband</b> [1] - 1174:21<br/> <b>hygiene</b> [1] - 1116:24</p> | <p>1246:22<br/> <b>identify</b> [2] - 1160:1, 1195:21<br/> <b>identities</b> [2] - 1160:6, 1161:8<br/> <b>identity</b> [4] - 1133:17, 1159:8, 1159:17, 1195:23<br/> <b>ideological</b> [2] - 1176:4, 1188:3<br/> <b>ideologies</b> [2] - 1143:15, 1208:22<br/> <b>ideologs</b> [1] - 1177:6<br/> <b>ideology</b> [10] - 1150:22, 1157:23, 1161:18, 1162:8, 1162:10, 1162:13, 1183:16, 1183:18, 1210:5, 1210:13<br/> <b>illogical</b> [1] - 1082:16<br/> <b>image</b> [4] - 1203:9, 1218:18, 1219:1, 1219:9<br/> <b>imagine</b> [1] - 1209:15<br/> <b>imam</b> [4] - 1200:10, 1201:4, 1244:10, 1246:19<br/> <b>Imam</b> [5] - 1200:12, 1201:4, 1244:3, 1246:11, 1247:2<br/> <b>Imam's</b> [1] - 1245:5<br/> <b>immediately</b> [2] - 1142:9, 1149:6<br/> <b>Immigration</b> [2] - 1229:9, 1229:13<br/> <b>impact</b> [1] - 1081:11<br/> <b>impeachment</b> [3] - 1089:23, 1089:24, 1089:25<br/> <b>implement</b> [2] - 1134:9, 1134:21<br/> <b>implements</b> [1] - 1143:20<br/> <b>imply</b> [1] - 1254:10<br/> <b>implying</b> [1] - 1179:12<br/> <b>importance</b> [5] - 1082:23, 1174:13, 1177:7, 1177:9, 1177:12<br/> <b>important</b> [9] - 1135:22, 1150:13, 1161:13, 1161:14, 1163:12, 1167:15, 1171:25, 1172:4, 1241:14<br/> <b>importantly</b> [1] - 1150:18<br/> <b>impression</b> [1] - 1108:14<br/> <b>imprisonment</b> [1] - 1087:19<br/> <b>incarcerated</b> [3] - 1093:7, 1181:12<br/> <b>incarceration</b> [2] - 1093:2, 1181:17<br/> <b>inception</b> [1] - 1188:9<br/> <b>incidents</b> [1] - 1082:19<br/> <b>inclined</b> [1] - 1213:23<br/> <b>include</b> [10] - 1126:14, 1128:14, 1137:20, 1147:8, 1149:23, 1154:9, 1154:13, 1154:16, 1167:4, 1220:6<br/> <b>includes</b> [1] - 1220:10<br/> <b>including</b> [7] - 1137:9, 1190:21, 1198:2, 1253:14, 1255:7, 1256:23, 1257:17<br/> <b>Including</b> [2] - 1219:21, 1219:25<br/> <b>income</b> [5] - 1106:4, 1106:13, 1106:14, 1117:21, 1117:25<br/> <b>incorporating</b> [1] - 1242:21<br/> <b>increase</b> [2] - 1172:24, 1173:1<br/> <b>increased</b> [1] - 1181:23<br/> <b>incriminating</b> [3] - 1102:23, 1103:5, 1103:25<br/> <b>indeed</b> [1] - 1202:6<br/> <b>independence</b> [1] - 1150:14<br/> <b>independent</b> [3] - 1127:3, 1150:12, 1229:8<br/> <b>Indian</b> [2] - 1158:11, 1189:11</p> |
| <b>I</b>  |  |  |
| <p><b>ibn</b> [1] - 1205:9<br/> <b>ibn-Nuhaas</b> [1] - 1205:9<br/> <b>Ibrahim</b> [4] - 1108:6, 1109:2, 1110:7, 1111:11<br/> <b>idea</b> [9] - 1113:16, 1162:25, 1169:2, 1169:9, 1169:25, 1174:2, 1219:4, 1234:11, 1249:5<br/> <b>ideally</b> [2] - 1164:24, 1221:5<br/> <b>ideas</b> [5] - 1169:23, 1182:9, 1183:5, 1196:24, 1226:5<br/> <b>identical</b> [3] - 1125:14, 1225:3, 1225:8<br/> <b>identification</b> [8] - 1146:15, 1202:17, 1203:2, 1212:17, 1216:3, 1220:25, 1232:1, 1233:2<br/> <b>identified</b> [3] - 1233:1, 1246:19,</p>   |  |  |

|   |  |   |
|---|--|---|
| <p><b>indicate</b> <sup>[1]</sup> - 1216:7<br/><b>indicated</b> <sup>[3]</sup> - 1098:5, 1137:9, 1232:18<br/><b>indicates</b> <sup>[2]</sup> - 1168:6, 1245:21<br/><b>indication</b> <sup>[1]</sup> - 1086:14<br/><b>indicative</b> <sup>[1]</sup> - 1245:9<br/><b>indicted</b> <sup>[1]</sup> - 1104:20<br/><b>individual</b> <sup>[17]</sup> - 1118:22, 1135:5, 1138:23, 1139:3, 1156:3, 1159:9, 1169:14, 1175:13, 1183:16, 1191:21, 1195:20, 1195:21, 1196:14, 1203:13, 1227:7, 1237:5, 1246:23<br/><b>individuals</b> <sup>[26]</sup> - 1084:6, 1117:9, 1122:20, 1122:23, 1123:10, 1124:8, 1127:1, 1130:21, 1134:6, 1134:24, 1135:16, 1135:17, 1142:24, 1142:25, 1147:17, 1149:3, 1154:7, 1154:13, 1154:17, 1155:4, 1158:21, 1196:6, 1196:11, 1224:25, 1227:12, 1244:13<br/><b>inferences</b> <sup>[2]</sup> - 1248:8, 1248:9<br/><b>infidel</b> <sup>[1]</sup> - 1133:13<br/><b>infidels</b> <sup>[1]</sup> - 1247:14<br/><b>inflicted</b> <sup>[1]</sup> - 1111:5<br/><b>influence</b> <sup>[1]</sup> - 1146:9<br/><b>influential</b> <sup>[4]</sup> - 1176:4, 1176:16, 1177:25, 1256:9<br/><b>inform</b> <sup>[2]</sup> - 1125:5, 1245:12<br/><b>information</b> <sup>[13]</sup> - 1123:6, 1124:21, 1125:4, 1130:14, 1157:11, 1192:20, 1193:3, 1194:19, 1195:4, 1195:11, 1195:12, 1214:19, 1221:8<br/><b>informs</b> <sup>[1]</sup> - 1125:8<br/><b>ingredient</b> <sup>[1]</sup> - 1101:19<br/><b>inhospitable</b> <sup>[1]</sup> - 1143:10<br/><b>initial</b> <sup>[1]</sup> - 1243:16<br/><b>injure</b> <sup>[1]</sup> - 1114:24<br/><b>inmates</b> <sup>[2]</sup> - 1094:7, 1097:14<br/><b>inn</b> <sup>[1]</sup> - 1229:18<br/><b>inner</b> <sup>[1]</sup> - 1226:17<br/><b>innocent</b> <sup>[1]</sup> - 1114:9<br/><b>inquire</b> <sup>[2]</sup> - 1121:23, 1217:14<br/><b>inserting</b> <sup>[1]</sup> - 1148:15<br/><b>inside</b> <sup>[2]</sup> - 1112:8, 1123:8<br/><b>inspire</b> <sup>[1]</sup> - 1162:7<br/><b>instance</b> <sup>[1]</sup> - 1223:7<br/><b>instead</b> <sup>[2]</sup> - 1104:7, 1186:10<br/><b>Institute</b> <sup>[2]</sup> - 1125:10, 1128:5<br/><b>institutions</b> <sup>[1]</sup> - 1221:12<br/><b>instruction</b> <sup>[1]</sup> - 1241:12<br/><b>instrumental</b> <sup>[1]</sup> - 1135:3<br/><b>intake</b> <sup>[1]</sup> - 1244:18<br/><b>integrate</b> <sup>[2]</sup> - 1206:12, 1206:15<br/><b>intelligence</b> <sup>[1]</sup> - 1130:15<br/><b>intend</b> <sup>[6]</sup> - 1253:16, 1253:18, 1253:21, 1253:22, 1254:1, 1255:5<br/><b>intent</b> <sup>[1]</sup> - 1235:16<br/><b>intention</b> <sup>[1]</sup> - 1255:22<br/><b>interact</b> <sup>[1]</sup> - 1123:11<br/><b>interactions</b> <sup>[1]</sup> - 1179:4<br/><b>interchangeable</b> <sup>[1]</sup> - 1189:8<br/><b>interconnected</b> <sup>[1]</sup> - 1130:7<br/><b>interested</b> <sup>[1]</sup> - 1144:2</p> | <p><b>interesting</b> <sup>[3]</sup> - 1126:25, 1177:18, 1254:24<br/><b>interests</b> <sup>[1]</sup> - 1147:16<br/><b>internal</b> <sup>[4]</sup> - 1138:3, 1138:6, 1170:22, 1182:15<br/><b>internalizes</b> <sup>[1]</sup> - 1183:17<br/><b>internally</b> <sup>[1]</sup> - 1174:8<br/><b>international</b> <sup>[2]</sup> - 1126:8, 1126:10<br/><b>International</b> <sup>[2]</sup> - 1101:9, 1125:10<br/><b>Internet</b> <sup>[1]</sup> - 1202:2<br/><b>internet</b> <sup>[6]</sup> - 1103:11, 1173:2, 1177:5, 1177:8, 1204:24, 1205:1<br/><b>interplay</b> <sup>[1]</sup> - 1166:20<br/><b>interpret</b> <sup>[1]</sup> - 1134:10<br/><b>interpretation</b> <sup>[12]</sup> - 1139:18, 1143:18, 1143:20, 1143:22, 1145:9, 1158:13, 1158:19, 1159:2, 1169:7, 1218:5, 1229:18, 1230:9<br/><b>interpretations</b> <sup>[1]</sup> - 1227:2<br/><b>interpreter</b> <sup>[1]</sup> - 1235:6<br/><b>interpretting</b> <sup>[1]</sup> - 1234:4<br/><b>intervened</b> <sup>[2]</sup> - 1114:3, 1114:6<br/><b>intervention</b> <sup>[1]</sup> - 1114:2<br/><b>interview</b> <sup>[1]</sup> - 1162:24<br/><b>interviewed</b> <sup>[1]</sup> - 1084:6<br/><b>interviewing</b> <sup>[4]</sup> - 1122:20, 1130:14, 1130:15<br/><b>interviews</b> <sup>[3]</sup> - 1161:7, 1162:22, 1234:24<br/><b>intimidate</b> <sup>[1]</sup> - 1165:16<br/><b>introduce</b> <sup>[2]</sup> - 1089:7, 1233:23<br/><b>introduced</b> <sup>[1]</sup> - 1113:6<br/><b>introduces</b> <sup>[1]</sup> - 1145:24<br/><b>introduction</b> <sup>[1]</sup> - 1248:7<br/><b>invaded</b> <sup>[1]</sup> - 1108:21<br/><b>invading</b> <sup>[1]</sup> - 1133:11<br/><b>invasion</b> <sup>[1]</sup> - 1224:23<br/><b>investigation</b> <sup>[3]</sup> - 1179:7, 1180:1<br/><b>Investigation</b> <sup>[1]</sup> - 1229:11<br/><b>investigations</b> <sup>[1]</sup> - 1179:3<br/><b>invited</b> <sup>[2]</sup> - 1124:10, 1124:23<br/><b>invites</b> <sup>[1]</sup> - 1124:8<br/><b>inviting</b> <sup>[1]</sup> - 1191:16<br/><b>involved</b> <sup>[10]</sup> - 1082:2, 1122:21, 1129:23, 1142:21, 1179:13, 1191:1, 1196:9, 1209:1, 1209:4, 1209:7<br/><b>involves</b> <sup>[2]</sup> - 1192:20, 1247:9<br/><b>involving</b> <sup>[2]</sup> - 1083:17, 1208:17<br/><b>Iran</b> <sup>[1]</sup> - 1149:6<br/><b>Iranian</b> <sup>[1]</sup> - 1149:7<br/><b>Iraq</b> <sup>[4]</sup> - 1158:2, 1158:7, 1164:9, 1170:4<br/><b>ISIS</b> <sup>[3]</sup> - 1123:11, 1139:25, 1158:7<br/><b>Islam</b> <sup>[36]</sup> - 1111:19, 1112:7, 1112:10, 1126:24, 1132:13, 1133:21, 1134:8, 1138:17, 1138:22, 1139:4, 1139:5, 1139:14, 1145:11, 1145:13, 1159:2, 1167:7, 1167:11, 1168:11, 1169:2, 1169:7, 1169:10, 1169:16, 1169:19, 1172:2, 1178:2, 1182:4, 1190:1, 1191:16, 1202:11, 1203:6, 1204:9, 1218:6, 1224:20, 1224:22, 1225:2,</p> | <p>1257:18<br/><b>Islamabad</b> <sup>[2]</sup> - 1155:18, 1157:5<br/><b>Islamic</b> <sup>[35]</sup> - 1103:2, 1126:14, 1134:9, 1134:11, 1134:18, 1134:20, 1138:1, 1138:12, 1138:14, 1138:24, 1139:16, 1139:18, 1139:19, 1143:20, 1144:4, 1144:23, 1145:20, 1158:8, 1158:10, 1167:2, 1168:10, 1168:14, 1168:19, 1172:4, 1172:9, 1188:18, 1189:2, 1189:20, 1192:8, 1202:14, 1206:17, 1206:19, 1212:1<br/><b>Islamically</b> <sup>[1]</sup> - 1168:23<br/><b>Islamistic</b> <sup>[1]</sup> - 1125:21<br/><b>Islamize</b> <sup>[1]</sup> - 1190:5<br/><b>Islams</b> <sup>[1]</sup> - 1144:21<br/><b>Israel</b> <sup>[5]</sup> - 1131:9, 1145:16, 1160:3, 1190:21, 1220:11<br/><b>issue</b> <sup>[9]</sup> - 1081:9, 1082:3, 1083:13, 1084:22, 1085:8, 1085:24, 1112:17, 1144:24, 1232:24<br/><b>issued</b> <sup>[1]</sup> - 1258:16<br/><b>issues</b> <sup>[15]</sup> - 1081:4, 1082:18, 1084:16, 1085:1, 1085:5, 1122:25, 1128:25, 1140:19, 1140:22, 1140:24, 1144:2, 1164:7, 1175:8, 1202:13, 1250:3<br/><b>issuing</b> <sup>[2]</sup> - 1144:18, 1144:19<br/><b>Italia</b> <sup>[1]</sup> - 1159:15<br/><b>Italy</b> <sup>[8]</sup> - 1125:10, 1125:14, 1126:3, 1159:14, 1186:2, 1186:4, 1186:6, 1186:11<br/><b>items</b> <sup>[4]</sup> - 1094:22, 1094:24, 1116:23, 1256:24<br/><b>itself</b> <sup>[7]</sup> - 1083:18, 1141:17, 1161:15, 1199:14, 1218:25, 1248:7</p> |
| <b>J</b>  |  |   |
| <p><b>jail</b> <sup>[3]</sup> - 1092:15, 1092:16, 1115:9<br/><b>Jamaat</b> <sup>[7]</sup> - 1158:9, 1158:10, 1158:25, 1189:7, 1189:16, 1191:5, 1217:19<br/><b>jargon</b> <sup>[1]</sup> - 1192:23<br/><b>Jefferson</b> <sup>[1]</sup> - 1127:25<br/><b>Jeffrey</b> <sup>[6]</sup> - 1098:5, 1098:16, 1118:22, 1118:24, 1119:3, 1119:7<br/><b>Jencks</b> <sup>[1]</sup> - 1258:1<br/><b>Jersey</b> <sup>[1]</sup> - 1080:22<br/><b>Jew</b> <sup>[1]</sup> - 1170:3<br/><b>Jews</b> <sup>[3]</sup> - 1111:22, 1112:6, 1169:4<br/><b> Jihad</b> <sup>[15]</sup> - 1120:16, 1182:13, 1182:14, 1183:1, 1183:5, 1188:18, 1189:2, 1191:2, 1202:9, 1226:16, 1227:4, 1227:6, 1255:7, 1258:16<br/><b>Jihad</b> <sup>[16]</sup> - 1137:24, 1137:25, 1138:7, 1138:9, 1138:12, 1138:17, 1138:20, 1138:25, 1139:1, 1144:7, 1205:8, 1205:10, 1205:12, 1205:14, 1226:15, 1257:17<br/><b>jihadi</b> <sup>[1]</sup> - 1200:20<br/><b>jihadist</b> <sup>[20]</sup> - 1122:15, 1128:18, 1129:18, 1130:20, 1167:17, 1168:14, 1168:24, 1169:4, 1169:11, 1169:22, 1170:12, 1170:23, 1171:2, 1171:6,</p>  |  |   |

|  | K  | L   |
|--|--|---|
| <p>1176:2, 1177:7, 1191:6, 1253:14, 1256:23, 1257:20</p> <p><b>Jihadist</b> [13] - 1138:15, 1138:19, 1139:1, 1141:22, 1145:17, 1150:20, 1156:18, 1208:15, 1210:19, 1211:23, 1212:2, 1224:9, 1225:3</p> <p><b>Jihadists</b> [1] - 1154:6</p> <p><b>job</b> [3] - 1112:8, 1173:18, 1246:24</p> <p><b>join</b> [17] - 1105:9, 1109:19, 1141:2, 1151:11, 1151:15, 1152:18, 1154:7, 1154:14, 1154:18, 1154:24, 1156:3, 1156:9, 1162:10, 1169:15, 1191:6, 1198:5, 1198:10</p> <p><b>joined</b> [5] - 1084:6, 1154:11, 1155:5, 1155:23, 1189:4</p> <p><b>joining</b> [1] - 1083:24</p> <p><b>Jordan</b> [2] - 1220:6, 1220:12</p> <p><b>Jordanian</b> [3] - 1135:2, 1197:21, 1197:22</p> <p><b>journal</b> [1] - 1131:18</p> <p><b>journalist</b> [1] - 1214:13</p> <p><b>journalistic</b> [1] - 1163:10</p> <p><b>journalists</b> [1] - 1130:16</p> <p><b>journey</b> [1] - 1245:8</p> <p><b>JUDGE</b> [1] - 1080:11</p> <p><b>judge</b> [5] - 1097:24, 1098:13, 1100:6, 1116:14, 1116:17</p> <p><b>Judge</b> [5] - 1100:5, 1185:3, 1240:6, 1242:12, 1251:16</p> <p><b>judgment</b> [2] - 1227:5, 1227:6</p> <p><b>July</b> [2] - 1092:10, 1118:20</p> <p><b>jump</b> [2] - 1233:20</p> <p><b>June</b> [1] - 1123:14</p> <p><b>juries</b> [1] - 1250:12</p> <p><b>jurisprudence</b> [1] - 1144:24</p> <p><b>juror</b> [1] - 1082:20</p> <p><b>jurors</b> [2] - 1081:13, 1082:17</p> <p><b>Jury</b> [7] - 1087:6, 1121:5, 1165:23, 1184:18, 1185:10, 1236:20, 1242:8</p> <p><b>JURY</b> [1] - 1184:12</p> <p><b>jury</b> [69] - 1081:1, 1081:25, 1082:6, 1082:8, 1083:8, 1086:14, 1086:21, 1086:22, 1087:5, 1088:20, 1089:2, 1090:18, 1092:5, 1121:9, 1121:11, 1121:12, 1122:9, 1125:20, 1125:25, 1126:9, 1133:20, 1137:2, 1137:4, 1142:5, 1147:2, 1147:3, 1147:6, 1149:25, 1150:2, 1154:4, 1159:5, 1165:24, 1166:7, 1166:10, 1176:8, 1178:15, 1183:12, 1184:19, 1203:20, 1204:3, 1213:5, 1214:1, 1216:17, 1230:1, 1230:4, 1232:10, 1232:13, 1232:14, 1234:2, 1234:15, 1234:18, 1234:19, 1235:8, 1236:2, 1236:18, 1237:1, 1238:14, 1239:24, 1240:2, 1241:1, 1242:9, 1248:3, 1248:21, 1249:2, 1249:11, 1251:6, 1252:17, 1252:21, 1255:24</p> <p><b>Justice</b> [1] - 1123:24</p> <p><b>justice</b> [1] - 1102:20</p> | <p><b>Kabul</b> [2] - 1157:4, 1157:5</p> <p><b>Karachi</b> [2] - 1149:13, 1155:18</p> <p><b>Kareem</b> [1] - 1206:4</p> <p><b>Kashmir</b> [1] - 1170:4</p> <p><b>keep</b> [3] - 1098:1, 1169:9, 1233:19</p> <p><b>keeping</b> [1] - 1195:7</p> <p><b>keeps</b> [1] - 1241:11</p> <p><b>Kennedy</b> [1] - 1128:4</p> <p><b>Kenya</b> [3] - 1147:22, 1223:10, 1223:15</p> <p><b>kept</b> [2] - 1085:19, 1141:5</p> <p><b>Khalid</b> [1] - 1149:10</p> <p><b>Khost</b> [2] - 1137:20, 1137:22</p> <p><b>Khyber</b> [3] - 1137:15, 1157:1, 1157:6</p> <p><b>kid</b> [2] - 1081:15, 1082:2</p> <p><b>kidnapping</b> [1] - 1198:2</p> <p><b>kill</b> [4] - 1109:24, 1113:24, 1114:24, 1144:21</p> <p><b>killed</b> [8] - 1109:5, 1109:7, 1109:11, 1126:22, 1147:23, 1194:11, 1194:17, 1246:24</p> <p><b>kind</b> [23] - 1081:19, 1093:23, 1095:4, 1098:15, 1102:10, 1102:20, 1110:24, 1117:3, 1129:5, 1143:21, 1146:9, 1157:19, 1158:16, 1163:25, 1173:17, 1183:20, 1188:8, 1188:14, 1208:11, 1210:6, 1223:16, 1241:10, 1247:2</p> <p><b>kinds</b> [4] - 1130:19, 1170:22, 1182:9, 1183:23</p> <p><b>knowing</b> [2] - 1096:12, 1099:23</p> <p><b>knowledge</b> [11] - 1084:10, 1111:1, 1130:17, 1178:1, 1187:7, 1195:7, 1195:8, 1197:25, 1221:8, 1255:23, 1259:6</p> <p><b>known</b> [15] - 1097:3, 1108:6, 1140:16, 1143:2, 1149:18, 1156:12, 1156:18, 1161:7, 1169:4, 1182:12, 1191:4, 1201:4, 1210:11, 1219:6, 1243:1</p> <p><b>knows</b> [5] - 1086:8, 1152:23, 1152:25, 1173:16, 1213:14</p> <p><b>Knox</b> [6] - 1098:5, 1098:16, 1118:22, 1118:24, 1119:3, 1119:7</p> <p><b>Kohlmann</b> [10] - 1084:22, 1086:11, 1251:25, 1253:12, 1254:25, 1255:23, 1256:7, 1256:17, 1256:22, 1258:2</p> <p><b>Kohlmann's</b> [1] - 1257:15</p> <p><b>Komatireddy</b> [1] - 1243:22</p> <p><b>KOMATIREDDY</b> [30] - 1080:17, 1085:16, 1086:6, 1228:1, 1228:10, 1229:6, 1230:24, 1231:2, 1231:7, 1231:17, 1231:23, 1236:6, 1236:25, 1237:2, 1237:11, 1237:17, 1238:7, 1239:15, 1243:25, 1245:4, 1246:16, 1253:21, 1254:19, 1255:18, 1255:21, 1256:4, 1256:15, 1257:7, 1258:11, 1260:9</p> <p><b>kunya</b> [9] - 1159:5, 1159:6, 1160:6, 1161:4, 1175:21, 1175:23, 1195:21, 1197:6, 1213:8</p> <p><b>kunyas</b> [3] - 1160:4, 1161:3, 1195:18</p> | <p><b>lack</b> [2] - 1082:20, 1163:2</p> <p><b>Laden</b> [10] - 1135:12, 1143:8, 1143:11, 1145:14, 1162:21, 1162:24, 1164:3, 1188:20, 1188:22, 1188:23</p> <p><b>ladies</b> [6] - 1087:8, 1121:2, 1165:20, 1184:11, 1232:11, 1241:2</p> <p><b>Lahore</b> [1] - 1155:18</p> <p><b>laid</b> [2] - 1152:24, 1242:15</p> <p><b>Laila</b> [2] - 1228:1, 1228:6</p> <p><b>LAILA</b> [2] - 1228:6, 1260:8</p> <p><b>land</b> [2] - 1145:9, 1155:17</p> <p><b>landmarks</b> [1] - 1110:22</p> <p><b>language</b> [13] - 1090:19, 1175:1, 1175:6, 1175:17, 1176:5, 1177:15, 1177:23, 1178:6, 1183:6, 1232:25, 1237:7, 1237:12</p> <p><b>languages</b> [4] - 1175:7, 1186:19, 1229:16, 1229:18</p> <p><b>laptop</b> [1] - 1103:8</p> <p><b>large</b> [6] - 1151:1, 1187:10, 1187:11, 1190:12, 1193:20, 1223:8</p> <p><b>large-scale</b> [1] - 1193:20</p> <p><b>larger</b> [9] - 1173:4, 1190:11, 1196:15, 1196:24, 1208:20, 1245:10, 1245:17, 1247:7, 1247:8</p> <p><b>largest</b> [2] - 1147:9, 1149:13</p> <p><b>last</b> [12] - 1081:8, 1084:14, 1085:9, 1085:18, 1102:16, 1119:3, 1123:21, 1138:15, 1160:7, 1232:24, 1251:21, 1253:23</p> <p><b>lasts</b> [1] - 1095:24</p> <p><b>late</b> [7] - 1135:24, 1150:7, 1162:21, 1163:22, 1181:25, 1202:7, 1246:11</p> <p><b>law</b> [15] - 1126:2, 1130:15, 1134:9, 1134:20, 1138:14, 1139:19, 1143:20, 1168:19, 1186:5, 1186:6, 1186:7, 1186:9, 1186:13, 1186:17, 1206:17</p> <p><b>LAW</b> [1] - 1080:19</p> <p><b>Law</b> [1] - 1126:4</p> <p><b>lax</b> [1] - 1190:5</p> <p><b>lay</b> [3] - 1243:14, 1244:5, 1257:8</p> <p><b>layers</b> [1] - 1246:14</p> <p><b>lead</b> [3] - 1180:9, 1182:10, 1210:2</p> <p><b>leader</b> [14] - 1113:7, 1135:9, 1135:11, 1138:25, 1139:1, 1139:2, 1140:20, 1182:13, 1200:12, 1205:13, 1216:20, 1226:11, 1246:20</p> <p><b>leaders</b> [14] - 1107:21, 1107:22, 1112:14, 1134:25, 1142:24, 1143:2, 1143:3, 1149:1, 1149:5, 1149:14, 1161:3, 1161:6, 1164:3, 1194:11</p> <p><b>leadership</b> [10] - 1108:9, 1108:25, 1109:20, 1140:13, 1150:7, 1171:14, 1171:19, 1188:1, 1196:20, 1196:22</p> <p><b>leading</b> [2] - 1172:3, 1188:22</p> <p><b>leaks</b> [1] - 1252:17</p> <p><b>learn</b> [2] - 1211:17, 1229:21</p> <p><b>learned</b> [3] - 1109:2, 1191:18, 1192:13</p> <p><b>least</b> [17] - 1087:24, 1105:1, 1119:6,</p> |



|  |   |  |
|--|---|--|
| <p>1133:18, 1154:22, 1188:17, 1192:11, 1196:3, 1200:14, 1201:18, 1205:5, 1205:21, 1207:4, 1216:20, 1225:7, 1225:10, 1246:7</p> <p><b>leave</b> [3] - 1106:24, 1106:25, 1245:7</p> <p><b>leaves</b> [2] - 1179:8, 1179:23</p> <p><b>Lebanon</b> [2] - 1160:2, 1220:11</p> <p><b>lecture</b> [14] - 1182:25, 1183:1, 1203:6, 1204:8, 1204:11, 1204:14, 1204:16, 1211:24, 1212:1, 1224:22, 1226:7, 1255:19, 1259:2, 1259:7</p> <p><b>lectured</b> [1] - 1202:5</p> <p><b>lecturer</b> [2] - 1176:19, 1204:20</p> <p><b>lectures</b> [44] - 1103:10, 1103:21, 1103:22, 1176:18, 1176:20, 1176:21, 1176:25, 1177:14, 1177:20, 1177:25, 1181:17, 1181:21, 1181:25, 1182:2, 1182:6, 1182:10, 1182:14, 1182:22, 1201:2, 1201:19, 1204:22, 1204:23, 1224:11, 1224:13, 1224:14, 1224:21, 1226:4, 1254:2, 1254:23, 1255:6, 1255:7, 1255:24, 1255:25, 1256:2, 1256:12, 1256:19, 1257:15, 1257:16, 1257:21, 1257:22, 1257:23, 1258:4, 1258:22, 1259:5</p> <p><b>led</b> [3] - 1172:7, 1188:18, 1188:20</p> <p><b>Lees</b> [1] - 1253:24</p> <p><b>left</b> [8] - 1118:10, 1178:8, 1180:5, 1180:12, 1181:4, 1181:6, 1203:5, 1209:1</p> <p><b>legal</b> [1] - 1081:4</p> <p><b>legitimacy</b> [1] - 1168:15</p> <p><b>legitimate</b> [4] - 1134:10, 1139:6, 1143:21, 1168:2</p> <p><b>legitimize</b> [1] - 1167:22</p> <p><b>length</b> [1] - 1104:12</p> <p><b>less</b> [1] - 1093:7</p> <p><b>letter</b> [35] - 1088:3, 1088:13, 1089:3, 1089:6, 1090:6, 1090:9, 1090:11, 1090:12, 1090:14, 1090:20, 1092:14, 1092:22, 1093:1, 1096:9, 1097:22, 1098:4, 1098:8, 1098:11, 1099:3, 1099:13, 1099:25, 1104:25, 1118:20, 1119:18, 1119:19, 1119:21, 1119:23, 1120:1, 1120:7, 1245:14, 1245:15, 1245:16, 1245:21, 1246:4, 1246:5</p> <p><b>letters</b> [4] - 1233:20, 1242:19, 1243:3, 1243:7</p> <p><b>Levant</b> [2] - 1160:1, 1220:6</p> <p><b>level</b> [2] - 1163:11, 1225:4</p> <p><b>leveraged</b> [1] - 1170:20</p> <p><b>liberty</b> [3] - 1096:6, 1115:21, 1115:23</p> <p><b>lie</b> [4] - 1098:11, 1104:1, 1104:8, 1171:15</p> <p><b>lied</b> [3] - 1104:12, 1106:13, 1106:18</p> <p><b>Lies</b> [1] - 1253:24</p> <p><b>life</b> [12] - 1087:18, 1090:17, 1141:2, 1156:7, 1167:9, 1168:23, 1173:18, 1178:7, 1183:23, 1187:5, 1194:25, 1209:13</p> <p><b>Life</b> [1] - 1253:24</p> | <p><b>light</b> [2] - 1170:16, 1233:5</p> <p><b>likely</b> [4] - 1087:25, 1089:12, 1090:22, 1241:7</p> <p><b>likeness</b> [1] - 1204:4</p> <p><b>limited</b> [2] - 1117:6, 1149:16</p> <p><b>limits</b> [1] - 1117:8</p> <p><b>line</b> [3] - 1113:19, 1232:22, 1236:19</p> <p><b>lines</b> [2] - 1243:25, 1257:23</p> <p><b>linguist</b> [3] - 1086:10, 1230:15, 1230:17</p> <p><b>link</b> [8] - 1246:10, 1254:24, 1255:12, 1255:16, 1256:3, 1258:18, 1259:5</p> <p><b>linked</b> [2] - 1129:18, 1130:21</p> <p><b>links</b> [12] - 1254:21, 1254:22, 1255:6, 1256:20, 1257:5, 1258:20, 1258:21, 1258:22, 1259:10, 1259:11</p> <p><b>list</b> [5] - 1253:14, 1256:19, 1256:21, 1256:24, 1257:14</p> <p><b>listen</b> [6] - 1211:25, 1212:4, 1241:10, 1241:13, 1241:14, 1256:1</p> <p><b>listened</b> [1] - 1234:5</p> <p><b>literal</b> [1] - 1145:9</p> <p><b>literally</b> [1] - 1213:4</p> <p><b>Literally</b> [1] - 1141:3</p> <p><b>literature</b> [3] - 1192:1, 1208:18, 1208:20</p> <p><b>live</b> [9] - 1168:13, 1168:18, 1168:22, 1168:23, 1173:16, 1229:24, 1247:13, 1249:12, 1250:13</p> <p><b>lived</b> [1] - 1206:19</p> <p><b>living</b> [3] - 1137:17, 1223:12, 1229:7</p> <p><b>lo</b> [1] - 1099:19</p> <p><b>loan</b> [3] - 1106:10, 1117:13, 1117:24</p> <p><b>local</b> [3] - 1145:19, 1145:21, 1168:9</p> <p><b>located</b> [1] - 1135:20</p> <p><b>location</b> [1] - 1197:12</p> <p><b>locked</b> [2] - 1109:14, 1116:2</p> <p><b>logical</b> [2] - 1151:14, 1235:20</p> <p><b>long-established</b> [1] - 1150:19</p> <p><b>look</b> [11] - 1099:25, 1104:25, 1130:8, 1168:1, 1206:8, 1208:18, 1254:7, 1254:10, 1255:11, 1257:11, 1258:20</p> <p><b>looked</b> [8] - 1084:14, 1129:19, 1130:22, 1211:11, 1254:8, 1254:11, 1255:2, 1258:14</p> <p><b>looking</b> [5] - 1090:6, 1123:10, 1129:1, 1216:8, 1253:11</p> <p><b>Looking</b> [1] - 1213:4</p> <p><b>looks</b> [2] - 1085:7, 1203:5</p> <p><b>loose</b> [1] - 1191:15</p> <p><b>loosely</b> [1] - 1220:9</p> <p><b>loosened</b> [1] - 1138:20</p> <p><b>Lorenzo</b> [2] - 1121:16, 1121:21</p> <p><b>LORENZO</b> [2] - 1121:21, 1260:5</p> <p><b>lose</b> [1] - 1252:25</p> <p><b>losing</b> [1] - 1148:22</p> <p><b>lost</b> [2] - 1149:2, 1149:4</p> <p><b>lower</b> [1] - 1248:5</p> <p><b>lunch</b> [2] - 1184:7, 1184:13</p> <p><b>LV2</b> [1] - 1205:25</p> <p><b>LV3</b> [1] - 1207:24</p> <p><b>lying</b> [2] - 1104:13, 1199:2</p> | <p style="text-align: center;"><b>M</b></p> <p><b>Maghreb</b> [1] - 1158:8</p> <p><b>Maher</b> [3] - 1185:12, 1214:3, 1258:25</p> <p><b>MAHER</b> [67] - 1080:19, 1080:21, 1086:20, 1132:15, 1146:24, 1151:16, 1152:2, 1152:19, 1155:10, 1166:5, 1171:4, 1178:12, 1179:2, 1179:19, 1180:3, 1180:14, 1184:6, 1184:9, 1185:13, 1185:15, 1202:16, 1203:1, 1203:11, 1203:15, 1203:21, 1203:25, 1205:24, 1206:6, 1212:14, 1212:17, 1213:2, 1214:6, 1214:9, 1214:16, 1215:2, 1216:2, 1216:12, 1216:14, 1217:9, 1217:11, 1221:19, 1221:21, 1222:2, 1227:22, 1231:19, 1231:21, 1231:25, 1232:22, 1233:10, 1233:14, 1233:18, 1234:1, 1234:22, 1235:3, 1235:5, 1236:8, 1236:14, 1237:14, 1238:10, 1239:17, 1243:11, 1246:3, 1249:22, 1250:22, 1251:20, 1253:5, 1260:7</p> <p><b>MAHMOUD</b> [1] - 1080:6</p> <p><b>mail</b> [3] - 1246:4, 1254:4, 1254:6</p> <p><b>mails</b> [2] - 1245:5, 1254:20</p> <p><b>maim</b> [1] - 1114:24</p> <p><b>main</b> [27] - 1101:19, 1126:15, 1128:18, 1129:3, 1130:10, 1133:21, 1135:1, 1135:14, 1137:16, 1140:5, 1141:15, 1145:17, 1145:19, 1150:5, 1150:6, 1162:23, 1167:8, 1170:20, 1175:13, 1176:3, 1189:21, 1189:22, 1189:24, 1189:25, 1208:20, 1223:11, 1227:9</p> <p><b>mainstream</b> [8] - 1162:19, 1163:3, 1163:4, 1191:9, 1200:22, 1200:23, 1200:24, 1224:5</p> <p><b>maintain</b> [3] - 1083:12, 1219:8, 1258:13</p> <p><b>maintaining</b> [3] - 1219:1, 1243:10, 1246:1</p> <p><b>major</b> [5] - 1134:16, 1147:18, 1172:5, 1172:7, 1173:3</p> <p><b>majority</b> [1] - 1133:22</p> <p><b>makers</b> [4] - 1124:21, 1124:23, 1125:5, 1183:15</p> <p><b>man</b> [13] - 1107:25, 1108:6, 1108:11, 1108:20, 1110:6, 1112:12, 1112:24, 1135:2, 1135:13, 1221:17, 1223:11</p> <p><b>managed</b> [1] - 1172:7</p> <p><b>manner</b> [1] - 1248:23</p> <p><b>map</b> [1] - 1146:21</p> <p><b>March</b> [2] - 1206:1, 1246:8</p> <p><b>mark</b> [1] - 1249:4</p> <p><b>marked</b> [10] - 1088:12, 1146:14, 1147:1, 1203:2, 1203:17, 1216:3, 1233:23, 1237:21, 1244:1, 1255:3</p> <p><b>marking</b> [1] - 1231:4</p> <p><b>marriage</b> [1] - 1203:6</p> <p><b>marshals</b> [1] - 1081:3</p> <p><b>martyr</b> [1] - 1174:3</p> <p><b>Mashari</b> [1] - 1257:20</p> <p><b>Masri</b> [1] - 1197:14</p> <p><b>mass</b> [3] - 1104:19, 1110:19, 1111:5</p> |
|--|---|--|

|   |  |   |
|---|--|---|
| <p><b>masses</b> [4] - 1161:17, 1164:19, 1164:20, 1165:11</p> <p><b>Master's</b> [5] - 1126:3, 1126:6, 1126:7, 1126:18, 1128:1</p> <p><b>mate</b> [1] - 1093:9</p> <p><b>material</b> [7] - 1084:16, 1084:21, 1085:4, 1104:17, 1112:21, 1123:23, 1130:11</p> <p><b>materials</b> [2] - 1084:13, 1084:19</p> <p><b>matter</b> [8] - 1082:4, 1082:23, 1083:6, 1083:14, 1206:4, 1239:7, 1243:23, 1253:10</p> <p><b>Matter</b> [1] - 1259:20</p> <p><b>matters</b> [1] - 1242:11</p> <p><b>matures</b> [1] - 1225:10</p> <p><b>maximum</b> [4] - 1096:17, 1096:21, 1097:16, 1252:12</p> <p><b>meals</b> [2] - 1094:25, 1095:1</p> <p><b>mean</b> [17] - 1085:24, 1096:7, 1097:25, 1113:4, 1140:10, 1145:2, 1146:7, 1156:5, 1159:18, 1159:23, 1162:1, 1197:9, 1210:25, 1229:10, 1254:16, 1254:20</p> <p><b>meaning</b> [4] - 1138:2, 1138:9, 1195:7, 1196:22</p> <p><b>meanings</b> [1] - 1138:1</p> <p><b>means</b> [14] - 1133:20, 1137:25, 1138:3, 1138:10, 1138:11, 1138:20, 1142:6, 1144:6, 1169:18, 1182:15, 1190:3, 1199:14, 1201:7, 1207:13</p> <p><b>meant</b> [5] - 1098:2, 1130:12, 1130:14, 1141:17, 1174:17</p> <p><b>Mecca</b> [2] - 1168:9, 1168:21</p> <p><b>mechanism</b> [1] - 1085:10</p> <p><b>media</b> [34] - 1122:22, 1123:9, 1130:22, 1140:23, 1162:19, 1162:20, 1162:22, 1162:23, 1163:3, 1163:8, 1163:14, 1163:17, 1163:19, 1163:22, 1163:24, 1163:25, 1164:10, 1164:13, 1164:23, 1166:16, 1166:17, 1166:19, 1166:20, 1166:23, 1174:23, 1175:1, 1175:4, 1175:11, 1207:4, 1221:12, 1241:15, 1241:18, 1249:25, 1250:2</p> <p><b>Medicaid</b> [2] - 1106:18, 1106:19</p> <p><b>Medicare</b> [1] - 1117:21</p> <p><b>medieval</b> [2] - 1205:10, 1205:13</p> <p><b>Medina</b> [1] - 1168:10</p> <p><b>Medunjanin</b> [1] - 1102:17</p> <p><b>meet</b> [2] - 1107:6, 1158:15</p> <p><b>meeting</b> [1] - 1107:6</p> <p><b>meets</b> [2] - 1083:13, 1244:22</p> <p><b>member</b> [9] - 1175:19, 1198:17, 1219:23, 1223:12, 1226:10, 1226:13, 1241:22, 1244:10, 1246:20</p> <p><b>members</b> [38] - 1096:3, 1117:8, 1118:10, 1118:13, 1124:23, 1140:18, 1141:9, 1141:12, 1141:14, 1141:21, 1149:1, 1158:15, 1158:23, 1160:4, 1160:7, 1160:8, 1161:10, 1161:21, 1161:25, 1164:11, 1164:14, 1165:11, 1165:13, 1169:13, 1173:22, 1173:25, 1174:10, 1174:14, 1174:17, 1176:21,</p> | <p>1197:1, 1200:1, 1218:2, 1219:18, 1245:12, 1245:13</p> <p><b>membership</b> [1] - 1165:8</p> <p><b>memorialize</b> [1] - 1085:17</p> <p><b>men</b> [2] - 1114:11, 1143:1</p> <p><b>mental</b> [1] - 1192:20</p> <p><b>mention</b> [2] - 1093:1, 1172:19</p> <p><b>mentioned</b> [15] - 1118:22, 1124:16, 1126:13, 1127:6, 1128:19, 1129:8, 1130:24, 1133:6, 1133:19, 1134:2, 1134:20, 1147:4, 1183:4, 1226:3, 1226:9</p> <p><b>mentoring</b> [1] - 1179:4</p> <p><b>mere</b> [1] - 1226:19</p> <p><b>merged</b> [1] - 1199:22</p> <p><b>message</b> [11] - 1162:2, 1162:7, 1162:20, 1163:1, 1163:5, 1163:21, 1164:20, 1165:10, 1165:16, 1166:21, 1174:20</p> <p><b>messages</b> [2] - 1171:12, 1171:20</p> <p><b>met</b> [9] - 1099:16, 1104:12, 1107:20, 1107:21, 1108:6, 1108:11, 1185:18, 1213:14, 1248:4</p> <p><b>methodologies</b> [1] - 1192:11</p> <p><b>methods</b> [1] - 1162:4</p> <p><b>meticulous</b> [1] - 1141:5</p> <p><b>MICHAEL</b> [1] - 1080:21</p> <p><b>mid</b> [6] - 1142:7, 1142:23, 1161:24, 1202:7, 1224:10</p> <p><b>mid-'90s</b> [1] - 1176:15</p> <p><b>Middle</b> [14] - 1126:8, 1126:13, 1126:15, 1126:16, 1127:9, 1131:5, 1146:4, 1146:8, 1146:9, 1146:11, 1154:18, 1171:16, 1179:24, 1223:17</p> <p><b>middle</b> [1] - 1171:18</p> <p><b>might</b> [21] - 1082:20, 1114:17, 1119:12, 1183:21, 1195:8, 1195:11, 1195:13, 1196:10, 1196:24, 1198:14, 1199:5, 1206:7, 1211:12, 1217:3, 1217:4, 1217:5, 1220:20, 1241:20, 1250:6, 1250:22, 1251:15</p> <p><b>migration</b> [3] - 1168:7</p> <p><b>Milan</b> [2] - 1125:10, 1126:2</p> <p><b>milieus</b> [1] - 1159:16</p> <p><b>militant</b> [9] - 1151:15, 1155:23, 1156:4, 1158:20, 1158:22, 1158:23, 1159:7, 1159:16, 1174:12</p> <p><b>militants</b> [1] - 1159:7</p> <p><b>military</b> [11] - 1140:22, 1145:18, 1146:10, 1148:10, 1148:15, 1151:8, 1170:24, 1171:3, 1171:8, 1182:16, 1226:16</p> <p><b>million</b> [3] - 1190:10, 1212:4</p> <p><b>millions</b> [1] - 1190:12</p> <p><b>mind</b> [11] - 1087:18, 1089:12, 1089:14, 1090:13, 1090:15, 1091:6, 1114:17, 1190:5, 1242:5, 1249:24, 1252:9</p> <p><b>minds</b> [1] - 1135:17</p> <p><b>mindset</b> [3] - 1158:3, 1161:18, 1170:8</p> <p><b>minimal</b> [2] - 1252:9, 1252:12</p> <p><b>ministrative</b> [1] - 1150:13</p> | <p><b>minute</b> [2] - 1232:7, 1236:19</p> <p><b>minutes</b> [11] - 1086:11, 1095:18, 1095:24, 1121:2, 1121:4, 1121:7, 1165:20, 1165:22, 1166:3, 1166:4, 1232:11</p> <p><b>minutia</b> [1] - 1222:3</p> <p><b>Miran</b> [1] - 1107:10</p> <p><b>miscommunication</b> [4] - 1233:16, 1233:17, 1234:7, 1235:19</p> <p><b>mission</b> [4] - 1113:8, 1197:25, 1199:3</p> <p><b>missions</b> [1] - 1199:6</p> <p><b>misspelled</b> [1] - 1214:13</p> <p><b>mistake</b> [1] - 1082:5</p> <p><b>misunderstandings</b> [1] - 1236:16</p> <p><b>mobilization</b> [1] - 1154:6</p> <p><b>mobilize</b> [6] - 1135:5, 1139:12, 1161:17, 1161:18, 1164:25, 1169:15</p> <p><b>mobilized</b> [1] - 1135:4</p> <p><b>mobilizer</b> [1] - 1135:1</p> <p><b>mobilizing</b> [1] - 1164:18</p> <p><b>mocking</b> [1] - 1170:7</p> <p><b>model</b> [1] - 1174:5</p> <p><b>modest</b> [2] - 1083:13, 1084:9</p> <p><b>Mohammad</b> [9] - 1159:12, 1159:13, 1167:10, 1168:8, 1170:7, 1172:1, 1172:3, 1172:5, 1172:11</p> <p><b>Mohammed</b> [1] - 1149:11</p> <p><b>moment</b> [7] - 1114:21, 1147:4, 1149:21, 1183:25, 1210:11, 1217:9, 1227:18</p> <p><b>Monday</b> [10] - 1086:11, 1242:6, 1251:23, 1252:3, 1252:15, 1253:7, 1253:8, 1253:12, 1253:19, 1259:20</p> <p><b>money</b> [8] - 1103:15, 1106:5, 1106:12, 1117:1, 1117:9, 1221:17, 1223:11, 1223:13</p> <p><b>moniker</b> [1] - 1212:9</p> <p><b>monitor</b> [1] - 1123:6</p> <p><b>monitored</b> [1] - 1095:22</p> <p><b>monitoring</b> [1] - 1123:9</p> <p><b>Montclair</b> [1] - 1080:22</p> <p><b>month</b> [6] - 1095:7, 1095:10, 1095:18, 1096:3, 1116:19, 1116:22</p> <p><b>monthly</b> [1] - 1124:24</p> <p><b>months</b> [5] - 1092:11, 1107:2, 1107:4, 1173:15, 1245:6</p> <p><b>moral</b> [2] - 1163:7, 1170:21</p> <p><b>morale</b> [1] - 1174:10</p> <p><b>morning</b> [10] - 1087:7, 1087:11, 1087:12, 1093:15, 1115:16, 1115:17, 1122:7, 1122:8, 1165:2, 1258:12</p> <p><b>Morocco</b> [1] - 1131:8</p> <p><b>mosque</b> [1] - 1201:8</p> <p><b>mosques</b> [2] - 1156:12, 1158:16</p> <p><b>most</b> [35] - 1082:3, 1093:14, 1097:16, 1113:24, 1124:6, 1128:15, 1129:18, 1133:9, 1137:17, 1137:23, 1140:18, 1141:1, 1142:14, 1142:16, 1142:17, 1144:7, 1145:6, 1150:6, 1150:18, 1152:16, 1155:13, 1155:16, 1159:7, 1166:18, 1171:25, 1176:4, 1177:25, 1182:14, 1190:2, 1202:10, 1207:17,</p> |
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|  |  |   |
|--|--|---|
| <p>1226:12, 1227:15, 1257:19, 1257:20<br/> <b>Most</b> <sup>[1]</sup> - 1143:1<br/> <b>most-cited</b> <sup>[1]</sup> - 1227:15<br/> <b>mostly</b> <sup>[15]</sup> - 1122:15, 1123:9, 1124:6, 1125:21, 1125:24, 1139:25, 1142:13, 1144:2, 1158:14, 1164:1, 1176:20, 1187:12, 1190:4, 1218:17, 1221:5<br/> <b>motion</b> <sup>[2]</sup> - 1083:16, 1101:11<br/> <b>motivate</b> <sup>[1]</sup> - 1165:7<br/> <b>motivated</b> <sup>[2]</sup> - 1096:10, 1140:5<br/> <b>mountainous</b> <sup>[2]</sup> - 1137:19, 1157:1<br/> <b>mountains</b> <sup>[4]</sup> - 1149:15, 1150:15, 1187:12, 1199:7<br/> <b>mouth</b> <sup>[1]</sup> - 1241:20<br/> <b>move</b> <sup>[9]</sup> - 1132:12, 1168:20, 1168:21, 1198:19, 1203:11, 1223:13, 1233:3, 1235:7, 1249:4<br/> <b>moved</b> <sup>[6]</sup> - 1143:8, 1143:12, 1176:12, 1176:13, 1231:25, 1234:20<br/> <b>movement</b> <sup>[6]</sup> - 1084:6, 1135:14, 1139:16, 1158:10, 1161:20, 1177:7<br/> <b>moves</b> <sup>[5]</sup> - 1146:22, 1183:17, 1231:17, 1237:11, 1238:7<br/> <b>movie</b> <sup>[1]</sup> - 1126:23<br/> <b>Moving</b> <sup>[1]</sup> - 1151:5<br/> <b>MR</b> <sup>[136]</sup> - 1081:6, 1085:7, 1086:3, 1086:8, 1086:19, 1086:20, 1087:10, 1088:6, 1088:15, 1088:17, 1089:3, 1089:5, 1089:10, 1089:24, 1090:3, 1090:8, 1090:12, 1090:16, 1090:25, 1091:7, 1092:4, 1092:7, 1106:1, 1109:17, 1115:11, 1115:13, 1115:15, 1120:3, 1120:20, 1120:21, 1132:15, 1146:24, 1151:16, 1152:2, 1152:19, 1155:10, 1166:5, 1171:4, 1178:12, 1179:2, 1179:19, 1180:3, 1180:14, 1184:6, 1184:9, 1185:13, 1185:15, 1202:16, 1203:1, 1203:11, 1203:15, 1203:21, 1203:23, 1203:25, 1205:24, 1206:6, 1212:14, 1212:17, 1212:19, 1213:2, 1213:11, 1213:21, 1214:6, 1214:9, 1214:16, 1214:24, 1215:2, 1215:3, 1216:2, 1216:12, 1216:14, 1217:9, 1217:11, 1221:19, 1221:21, 1222:2, 1227:22, 1231:19, 1231:21, 1231:25, 1232:2, 1232:6, 1232:9, 1232:17, 1232:21, 1232:22, 1233:10, 1233:14, 1233:18, 1234:1, 1234:9, 1234:22, 1235:3, 1235:5, 1236:1, 1236:8, 1236:14, 1237:14, 1238:10, 1239:17, 1239:21, 1240:3, 1240:6, 1242:11, 1243:11, 1243:22, 1246:3, 1248:19, 1249:15, 1249:21, 1249:22, 1249:23, 1250:22, 1251:16, 1251:18, 1251:20, 1251:21, 1252:9, 1252:12, 1253:5, 1253:10, 1254:5, 1254:12, 1255:9, 1256:16, 1257:4, 1258:1, 1258:5, 1258:13, 1258:20, 1259:3, 1259:14, 1259:16, 1260:3, 1260:4, 1260:7<br/> <b>MS</b> <sup>[65]</sup> - 1085:16, 1086:6, 1121:15, 1121:24, 1122:6, 1132:12, 1137:1,</p> | <p>1137:5, 1146:12, 1146:22, 1147:2, 1149:20, 1152:12, 1152:15, 1153:2, 1154:2, 1161:2, 1165:3, 1165:5, 1165:6, 1165:18, 1166:2, 1166:14, 1171:5, 1179:20, 1180:9, 1180:13, 1181:2, 1183:25, 1184:3, 1203:12, 1217:13, 1217:17, 1223:2, 1226:2, 1227:18, 1227:21, 1228:1, 1228:10, 1229:6, 1230:24, 1231:2, 1231:7, 1231:17, 1231:23, 1236:6, 1236:25, 1237:2, 1237:11, 1237:17, 1238:7, 1239:15, 1243:25, 1245:4, 1246:16, 1253:21, 1254:19, 1255:18, 1255:21, 1256:4, 1256:15, 1257:7, 1258:11, 1260:6, 1260:9<br/> <b>MSNBC</b> <sup>[3]</sup> - 1210:2, 1210:8, 1210:15<br/> <b>MSNBC-like</b> <sup>[1]</sup> - 1210:8<br/> <b>MUHANAD</b> <sup>[1]</sup> - 1080:6<br/> <b>mujahideen</b> <sup>[1]</sup> - 1245:23<br/> <b>Mujahideen</b> <sup>[3]</sup> - 1144:5, 1144:6, 1144:9<br/> <b>multiple</b> <sup>[3]</sup> - 1111:13, 1123:12, 1214:19<br/> <b>murad</b> <sup>[1]</sup> - 1246:22<br/> <b>Murad's</b> <sup>[1]</sup> - 1248:22<br/> <b>Muslim</b> <sup>[19]</sup> - 1127:14, 1133:17, 1138:21, 1138:22, 1139:22, 1161:17, 1164:18, 1164:20, 1164:22, 1165:11, 1169:18, 1170:10, 1172:21, 1176:16, 1200:15, 1200:19, 1209:10, 1224:5<br/> <b>Muslims</b> <sup>[25]</sup> - 1133:14, 1133:22, 1139:9, 1158:12, 1158:16, 1158:17, 1168:12, 1168:18, 1169:2, 1169:5, 1169:6, 1169:8, 1169:14, 1169:19, 1170:2, 1170:5, 1189:23, 1190:3, 1190:5, 1200:22, 1206:12, 1206:19, 1224:19, 1227:3<br/> <b>must</b> <sup>[1]</sup> - 1172:2<br/> <b>Mustafa</b> <sup>[1]</sup> - 1216:18<br/> <b>mystery</b> <sup>[1]</sup> - 1254:20</p> | <p><b>necessarily</b> <sup>[1]</sup> - 1206:18<br/> <b>necessary</b> <sup>[3]</sup> - 1085:12, 1109:24, 1242:16<br/> <b>necessity</b> <sup>[1]</sup> - 1161:7<br/> <b>need</b> <sup>[16]</sup> - 1085:6, 1085:23, 1090:11, 1090:12, 1117:3, 1121:1, 1180:11, 1211:25, 1219:1, 1232:7, 1233:19, 1241:10, 1246:2, 1254:9, 1257:4<br/> <b>needed</b> <sup>[4]</sup> - 1101:14, 1218:25, 1219:5, 1250:21<br/> <b>needs</b> <sup>[3]</sup> - 1099:9, 1208:22, 1235:11<br/> <b>negative</b> <sup>[2]</sup> - 1170:16, 1170:17<br/> <b>neighbor</b> <sup>[1]</sup> - 1138:6<br/> <b>neighborhood</b> <sup>[1]</sup> - 1101:5<br/> <b>Netherlands</b> <sup>[1]</sup> - 1126:22<br/> <b>network</b> <sup>[2]</sup> - 1127:3, 1188:23<br/> <b>networks</b> <sup>[2]</sup> - 1129:18, 1129:21<br/> <b>never</b> <sup>[12]</sup> - 1096:20, 1150:11, 1173:20, 1179:9, 1185:18, 1185:21, 1185:24, 1186:1, 1187:14, 1213:7, 1216:25, 1231:25<br/> <b>new</b> <sup>[15]</sup> - 1125:11, 1141:14, 1161:10, 1161:21, 1161:24, 1164:14, 1165:11, 1174:2, 1218:18, 1218:20, 1219:5, 1219:7<br/> <b>NEW</b> <sup>[2]</sup> - 1080:1, 1080:6<br/> <b>New</b> <sup>[12]</sup> - 1080:14, 1080:15, 1080:20, 1080:22, 1080:25, 1100:20, 1110:21, 1110:22, 1110:23, 1247:3<br/> <b>News</b> <sup>[3]</sup> - 1209:24, 1210:8, 1210:14<br/> <b>news</b> <sup>[12]</sup> - 1082:10, 1109:10, 1109:16, 1162:16, 1163:4, 1163:12, 1209:21, 1210:7, 1241:2, 1241:3, 1241:4<br/> <b>newscaster's</b> <sup>[1]</sup> - 1241:20<br/> <b>next</b> <sup>[31]</sup> - 1084:12, 1086:18, 1088:21, 1099:9, 1105:17, 1120:22, 1121:7, 1121:14, 1121:25, 1136:2, 1151:19, 1153:4, 1160:10, 1178:16, 1212:22, 1215:5, 1221:24, 1222:8, 1225:4, 1225:13, 1227:25, 1239:20, 1239:25, 1240:5, 1241:5, 1241:7, 1242:5, 1242:6, 1243:23, 1247:18, 1252:21<br/> <b>nice</b> <sup>[2]</sup> - 1138:5, 1191:22<br/> <b>night</b> <sup>[5]</sup> - 1081:8, 1084:14, 1085:9, 1085:18, 1093:16<br/> <b>nine</b> <sup>[1]</sup> - 1232:22<br/> <b>nobody's</b> <sup>[1]</sup> - 1236:16<br/> <b>non</b> <sup>[1]</sup> - 1126:12<br/> <b>non-state</b> <sup>[1]</sup> - 1126:12<br/> <b>nonpartisan</b> <sup>[1]</sup> - 1125:7<br/> <b>nonreligious</b> <sup>[1]</sup> - 1208:17<br/> <b>normally</b> <sup>[2]</sup> - 1250:1, 1257:8<br/> <b>North</b> <sup>[2]</sup> - 1125:24, 1158:8<br/> <b>north</b> <sup>[2]</sup> - 1148:19, 1150:4<br/> <b>northern</b> <sup>[4]</sup> - 1160:2, 1220:7, 1220:11<br/> <b>Northern</b> <sup>[1]</sup> - 1148:17<br/> <b>northwestern</b> <sup>[1]</sup> - 1220:12<br/> <b>Norway</b> <sup>[1]</sup> - 1112:17<br/> <b>nothing</b> <sup>[7]</sup> - 1084:15, 1092:16, 1115:11, 1184:3, 1227:21, 1227:22, 1242:4</p> |
| <b>N</b>   |  |   |
| <p><b>nail</b> <sup>[4]</sup> - 1081:24, 1101:19, 1101:23<br/> <b>Nairobi</b> <sup>[1]</sup> - 1147:22<br/> <b>naive</b> <sup>[1]</sup> - 1171:13<br/> <b>name</b> <sup>[22]</sup> - 1102:13, 1102:16, 1103:21, 1121:19, 1134:21, 1134:24, 1141:16, 1149:17, 1156:6, 1159:6, 1159:13, 1160:7, 1193:8, 1193:11, 1195:22, 1209:9, 1213:11, 1214:10, 1214:20, 1218:25, 1220:4, 1228:5<br/> <b>named</b> <sup>[6]</sup> - 1107:25, 1112:12, 1112:24, 1118:22, 1135:2, 1159:12<br/> <b>names</b> <sup>[1]</sup> - 1189:8<br/> <b>narrative</b> <sup>[8]</sup> - 1169:1, 1169:22, 1169:25, 1224:17, 1224:20, 1225:2, 1225:6, 1227:3<br/> <b>narratives</b> <sup>[1]</sup> - 1168:25<br/> <b>nationalist</b> <sup>[1]</sup> - 1133:10<br/> <b>native</b> <sup>[3]</sup> - 1175:15, 1229:22, 1237:9<br/> <b>natural</b> <sup>[1]</sup> - 1150:23<br/> <b>Navy</b> <sup>[1]</sup> - 1148:1</p>  |  |   |



|   |  |  |
|---|--|--|
| <p><b>Nothing</b> <sup>[1]</sup> - 1217:11<br/> <b>notice</b> <sup>[6]</sup> - 1152:3, 1152:9, 1152:11, 1152:17, 1256:18, 1257:8<br/> <b>notified</b> <sup>[1]</sup> - 1174:18<br/> <b>notify</b> <sup>[1]</sup> - 1174:13<br/> <b>nowhere</b> <sup>[1]</sup> - 1256:18<br/> <b>Nuhaas</b> <sup>[1]</sup> - 1205:9<br/> <b>number</b> <sup>[17]</sup> - 1156:6, 1164:15, 1170:14, 1170:17, 1172:10, 1172:18, 1172:21, 1179:7, 1190:9, 1190:11, 1193:5, 1193:20, 1205:4, 1221:14, 1255:6, 1257:14<br/> <b>numbering</b> <sup>[3]</sup> - 1233:14, 1233:19, 1235:21<br/> <b>numbers</b> <sup>[2]</sup> - 1172:7, 1233:22</p>  | <p>1222:1<br/> <b>occurrence</b> <sup>[3]</sup> - 1125:3, 1151:13, 1154:23<br/> <b>occurs</b> <sup>[2]</sup> - 1195:3, 1208:16<br/> <b>October</b> <sup>[1]</sup> - 1148:13<br/> <b>OF</b> <sup>[4]</sup> - 1080:1, 1080:3, 1080:10, 1080:19<br/> <b>offensive</b> <sup>[1]</sup> - 1126:24<br/> <b>offer</b> <sup>[3]</sup> - 1088:15, 1235:22, 1259:7<br/> <b>offered</b> <sup>[6]</sup> - 1091:1, 1091:3, 1091:5, 1221:2, 1235:22, 1255:16<br/> <b>offering</b> <sup>[4]</sup> - 1081:21, 1233:9, 1233:11, 1235:15<br/> <b>offerings</b> <sup>[1]</sup> - 1233:13<br/> <b>office</b> <sup>[1]</sup> - 1250:8<br/> <b>OFFICE</b> <sup>[1]</sup> - 1080:19<br/> <b>official</b> <sup>[1]</sup> - 1250:18<br/> <b>officially</b> <sup>[1]</sup> - 1188:13<br/> <b>officials</b> <sup>[3]</sup> - 1107:22, 1112:17, 1130:15<br/> <b>offshoot</b> <sup>[1]</sup> - 1191:10<br/> <b>offshoots</b> <sup>[1]</sup> - 1130:6<br/> <b>often</b> <sup>[8]</sup> - 1124:9, 1159:8, 1159:16, 1166:23, 1169:25, 1170:18, 1174:15<br/> <b>old</b> <sup>[3]</sup> - 1100:14, 1100:16, 1100:18<br/> <b>Oman</b> <sup>[1]</sup> - 1147:10<br/> <b>once</b> <sup>[5]</sup> - 1111:12, 1135:25, 1137:14, 1156:19, 1236:18<br/> <b>One</b> <sup>[5]</sup> - 1145:6, 1208:22, 1220:22, 1221:2, 1221:21<br/> <b>one</b> <sup>[111]</sup> - 1081:13, 1081:20, 1082:16, 1085:21, 1086:8, 1095:24, 1101:17, 1107:8, 1107:25, 1108:19, 1112:13, 1113:2, 1118:25, 1123:3, 1123:11, 1126:22, 1126:25, 1128:5, 1129:3, 1129:16, 1130:10, 1135:6, 1135:8, 1135:12, 1135:13, 1138:2, 1138:5, 1139:1, 1139:16, 1143:24, 1145:10, 1147:9, 1147:20, 1147:21, 1147:22, 1149:11, 1149:13, 1151:1, 1155:17, 1157:3, 1159:10, 1163:18, 1164:15, 1165:3, 1165:7, 1165:11, 1167:8, 1168:12, 1168:13, 1170:14, 1170:17, 1170:20, 1171:24, 1173:3, 1174:1, 1174:20, 1175:13, 1176:3, 1177:6, 1177:9, 1177:23, 1177:25, 1182:12, 1184:16, 1188:17, 1189:19, 1189:22, 1191:21, 1192:16, 1193:16, 1193:18, 1195:3, 1195:12, 1196:18, 1198:17, 1201:4, 1204:12, 1204:17, 1207:16, 1207:19, 1208:13, 1210:7, 1210:25, 1211:24, 1213:24, 1219:22, 1221:20, 1224:21, 1225:3, 1227:9, 1232:24, 1234:7, 1236:12, 1236:15, 1243:23, 1246:3, 1250:22, 1252:19, 1252:20, 1253:10, 1254:6, 1254:12, 1256:8, 1256:14, 1257:19, 1258:4, 1259:2<br/> <b>ones</b> <sup>[2]</sup> - 1255:13, 1258:24<br/> <b>ongoing</b> <sup>[1]</sup> - 1247:8<br/> <b>online</b> <sup>[6]</sup> - 1123:9, 1177:1, 1177:10, 1177:12, 1177:14, 1181:18<br/> <b>oooOooo</b> <sup>[1]</sup> - 1259:23</p> | <p><b>open</b> <sup>[15]</sup> - 1081:1, 1103:17, 1121:9, 1154:1, 1165:24, 1166:7, 1181:1, 1184:19, 1185:2, 1216:1, 1223:1, 1232:14, 1241:1, 1242:9, 1249:3<br/> <b>opening</b> <sup>[1]</sup> - 1210:12<br/> <b>openly</b> <sup>[1]</sup> - 1182:13<br/> <b>operate</b> <sup>[5]</sup> - 1130:6, 1141:19, 1141:22, 1157:24, 1199:18<br/> <b>operated</b> <sup>[2]</sup> - 1130:1, 1141:19<br/> <b>operates</b> <sup>[1]</sup> - 1158:6<br/> <b>operating</b> <sup>[1]</sup> - 1150:22<br/> <b>operation</b> <sup>[7]</sup> - 1108:17, 1113:3, 1113:4, 1223:8, 1223:11, 1223:19, 1224:24<br/> <b>operational</b> <sup>[3]</sup> - 1187:14, 1187:17, 1196:24<br/> <b>operations</b> <sup>[9]</sup> - 1109:3, 1149:11, 1149:12, 1173:14, 1223:23, 1246:21, 1247:1, 1247:2, 1247:5<br/> <b>operative</b> <sup>[4]</sup> - 1149:11, 1173:19, 1198:25, 1199:2<br/> <b>operatives</b> <sup>[8]</sup> - 1147:20, 1147:24, 1159:17, 1161:9, 1173:7, 1173:14, 1223:21, 1247:2<br/> <b>opinion</b> <sup>[7]</sup> - 1081:21, 1083:13, 1083:14, 1084:9, 1183:13, 1237:16, 1238:3<br/> <b>opinions</b> <sup>[1]</sup> - 1132:16<br/> <b>opportunity</b> <sup>[10]</sup> - 1091:2, 1091:4, 1095:3, 1095:15, 1097:10, 1097:13, 1098:6, 1098:12, 1119:12, 1231:8<br/> <b>opposite</b> <sup>[1]</sup> - 1149:8<br/> <b>oppress</b> <sup>[1]</sup> - 1169:8<br/> <b>oral</b> <sup>[1]</sup> - 1086:4<br/> <b>order</b> <sup>[12]</sup> - 1084:17, 1085:24, 1086:4, 1129:24, 1155:16, 1160:6, 1167:22, 1195:22, 1206:20, 1254:13<br/> <b>organization</b> <sup>[52]</sup> - 1104:18, 1130:1, 1130:3, 1130:4, 1132:25, 1133:4, 1133:23, 1140:12, 1140:25, 1141:4, 1141:6, 1141:20, 1151:15, 1155:23, 1155:24, 1158:20, 1161:13, 1162:13, 1162:14, 1162:18, 1163:13, 1163:19, 1164:12, 1164:18, 1165:14, 1188:17, 1188:20, 1188:22, 1189:10, 1189:13, 1189:17, 1190:12, 1191:3, 1191:10, 1194:23, 1196:1, 1199:20, 1199:22, 1200:1, 1217:24, 1218:1, 1218:19, 1218:23, 1218:25, 1219:2, 1219:6, 1219:9, 1219:14, 1224:2, 1230:13<br/> <b>organization's</b> <sup>[4]</sup> - 1141:2, 1161:22, 1162:12, 1163:24<br/> <b>organizational</b> <sup>[2]</sup> - 1191:24, 1194:24<br/> <b>organizations</b> <sup>[14]</sup> - 1123:17, 1127:18, 1132:10, 1139:11, 1154:11, 1157:21, 1161:16, 1164:11, 1187:21, 1198:7, 1199:11, 1208:17, 1209:2, 1218:3<br/> <b>origin</b> <sup>[1]</sup> - 1159:11<br/> <b>original</b> <sup>[5]</sup> - 1236:7, 1236:8, 1236:12, 1239:9<br/> <b>originally</b> <sup>[1]</sup> - 1183:8<br/> <b>originates</b> <sup>[1]</sup> - 1158:11</p> |
| <b>O</b>  |  |  |
| <p><b>o'clock</b> <sup>[1]</sup> - 1252:25<br/> <b>oath</b> <sup>[3]</sup> - 1089:21, 1113:10, 1199:19<br/> <b>Obesity</b> <sup>[1]</sup> - 1204:9<br/> <b>object</b> <sup>[4]</sup> - 1120:3, 1152:19, 1231:20, 1232:18<br/> <b>objecting</b> <sup>[1]</sup> - 1152:2<br/> <b>object</b> <sup>[16]</sup> - 1088:16, 1088:17, 1089:4, 1146:24, 1155:10, 1179:2, 1179:17, 1203:12, 1233:7, 1237:14, 1238:9, 1243:10, 1243:17, 1246:1, 1258:13, 1259:12<br/> <b>Object</b> <sup>[5]</sup> - 1151:16, 1171:4, 1178:12, 1221:19, 1231:19<br/> <b>objections</b> <sup>[4]</sup> - 1089:9, 1132:15, 1152:8, 1243:16<br/> <b>objectives</b> <sup>[5]</sup> - 1144:14, 1145:4, 1147:14, 1219:19, 1219:21<br/> <b>obligations</b> <sup>[1]</sup> - 1213:15<br/> <b>obnoxious</b> <sup>[1]</sup> - 1138:5<br/> <b>observation</b> <sup>[1]</sup> - 1182:25<br/> <b>observe</b> <sup>[1]</sup> - 1124:18<br/> <b>observed</b> <sup>[4]</sup> - 1168:24, 1171:7, 1172:24, 1245:23<br/> <b>obstacle</b> <sup>[1]</sup> - 1145:19<br/> <b>obstruct</b> <sup>[1]</sup> - 1102:20<br/> <b>obtain</b> <sup>[1]</sup> - 1176:14<br/> <b>obtained</b> <sup>[1]</sup> - 1127:6<br/> <b>obtaining</b> <sup>[1]</sup> - 1130:18<br/> <b>obvious</b> <sup>[1]</sup> - 1160:8<br/> <b>Obviously</b> <sup>[5]</sup> - 1139:8, 1156:14, 1210:6, 1210:10, 1218:24<br/> <b>obviously</b> <sup>[28]</sup> - 1087:21, 1098:14, 1128:17, 1139:11, 1161:6, 1163:7, 1163:20, 1164:7, 1165:9, 1167:24, 1172:18, 1172:21, 1173:16, 1185:21, 1187:4, 1188:9, 1205:9, 1208:18, 1208:21, 1208:23, 1210:4, 1210:13, 1217:3, 1220:19, 1221:4, 1225:6, 1242:24, 1250:2<br/> <b>occasion</b> <sup>[1]</sup> - 1227:11<br/> <b>occasions</b> <sup>[1]</sup> - 1131:24<br/> <b>occupy</b> <sup>[1]</sup> - 1108:24<br/> <b>occurred</b> <sup>[4]</sup> - 1152:1, 1154:21, 1213:1,</p> |  |  |

|  |  |  |
|--|--|--|
| <p><b>Osama</b> [3] - 1135:12, 1164:3, 1188:20<br/> <b>otherwise</b> [2] - 1244:7, 1251:11<br/> <b>Ottoman</b> [1] - 1220:8<br/> <b>out-of-court</b> [2] - 1089:16, 1089:20<br/> <b>outlets</b> [3] - 1162:16, 1162:23, 1163:4<br/> <b>outlook</b> [1] - 1144:1<br/> <b>outreach</b> [1] - 1124:9<br/> <b>outside</b> [15] - 1081:1, 1088:20, 1089:1, 1093:21, 1097:11, 1117:5, 1121:9, 1165:24, 1166:7, 1178:15, 1184:19, 1232:14, 1239:24, 1240:1, 1242:9<br/> <b>overall</b> [1] - 1219:18<br/> <b>overarching</b> [1] - 1169:1<br/> <b>Overeating</b> [1] - 1204:9<br/> <b>overnight</b> [1] - 1156:15<br/> <b>overrule</b> [1] - 1259:12<br/> <b>overruled</b> [2] - 1120:5, 1238:11<br/> <b>Overruled</b> [1] - 1155:11<br/> <b>overruling</b> [1] - 1243:16<br/> <b>oversees</b> [1] - 1247:5<br/> <b>own</b> [19] - 1081:25, 1087:18, 1089:10, 1089:11, 1163:17, 1163:22, 1165:7, 1165:13, 1166:17, 1166:19, 1177:10, 1183:9, 1187:23, 1194:11, 1197:1, 1200:1, 1208:24, 1223:25</p>   | <p><b>parliaments</b> [1] - 1132:5<br/> <b>part</b> [56] - 1081:20, 1085:10, 1085:21, 1087:13, 1090:3, 1090:4, 1096:16, 1098:3, 1098:16, 1107:12, 1109:24, 1117:19, 1123:5, 1128:10, 1130:8, 1148:19, 1152:11, 1152:16, 1157:4, 1159:11, 1160:2, 1162:2, 1162:7, 1162:9, 1162:11, 1164:13, 1170:6, 1170:11, 1177:20, 1177:21, 1189:1, 1189:2, 1191:9, 1195:12, 1195:13, 1200:24, 1202:10, 1210:5, 1218:22, 1220:11, 1220:12, 1220:16, 1221:7, 1225:7, 1227:11, 1230:13, 1245:24, 1247:1, 1247:11, 1249:8, 1250:25, 1251:4, 1251:8, 1251:14<br/> <b>part-time</b> [1] - 1117:19<br/> <b>parte</b> [1] - 1085:14<br/> <b>participate</b> [1] - 1139:23<br/> <b>participated</b> [2] - 1134:15, 1179:5<br/> <b>particular</b> [13] - 1096:20, 1113:19, 1122:17, 1123:17, 1125:23, 1141:7, 1141:10, 1145:4, 1154:5, 1254:12, 1258:3, 1258:16, 1259:6<br/> <b>Particularly</b> [1] - 1154:23<br/> <b>particularly</b> [8] - 1082:7, 1138:18, 1152:6, 1162:18, 1163:14, 1174:25, 1202:13, 1258:6<br/> <b>parties</b> [3] - 1249:9, 1250:13, 1251:9<br/> <b>parts</b> [7] - 1149:14, 1150:4, 1157:22, 1157:24, 1170:9, 1220:6, 1225:1<br/> <b>party</b> [1] - 1102:13<br/> <b>Pashto</b> [12] - 1186:24, 1229:17, 1229:20, 1229:21, 1229:22, 1237:8, 1237:9, 1237:12, 1238:4, 1238:15, 1239:1, 1239:9<br/> <b>Pass</b> [3] - 1137:15, 1157:1, 1157:6<br/> <b>passed</b> [2] - 1099:4, 1099:8<br/> <b>passing</b> [2] - 1082:22, 1099:9<br/> <b>passion</b> [1] - 1164:21<br/> <b>passport</b> [11] - 1173:9, 1173:11, 1173:12, 1173:13, 1198:14, 1198:16, 1198:22, 1220:23, 1223:15, 1223:17, 1223:18<br/> <b>passports</b> [7] - 1110:3, 1173:7, 1173:8, 1220:17, 1220:19, 1221:5, 1223:5<br/> <b>past</b> [5] - 1113:9, 1135:25, 1188:5, 1238:21, 1239:3<br/> <b>Path</b> [2] - 1205:11, 1226:15<br/> <b>pathway</b> [1] - 1208:8<br/> <b>pathways</b> [1] - 1209:18<br/> <b>patrol</b> [1] - 1150:17<br/> <b>pause</b> [1] - 1227:20<br/> <b>Pause</b> [1] - 1184:2<br/> <b>pay</b> [4] - 1095:20, 1103:14, 1103:15, 1141:12<br/> <b>Peace</b> [1] - 1128:5<br/> <b>peaceful</b> [1] - 1139:23<br/> <b>peacefully</b> [1] - 1168:13<br/> <b>peer</b> [1] - 1084:2<br/> <b>peer-reviewed</b> [1] - 1084:2<br/> <b>Peninsula</b> [4] - 1145:8, 1147:5, 1147:6,</p> | <p>1158:6<br/> <b>peninsula</b> [1] - 1145:11<br/> <b>Pennsylvania</b> [1] - 1112:3<br/> <b>Pentagon</b> [1] - 1123:25<br/> <b>people</b> [58] - 1082:12, 1094:8, 1097:25, 1107:6, 1107:7, 1108:19, 1108:24, 1113:24, 1114:9, 1117:3, 1117:5, 1123:12, 1130:16, 1133:11, 1133:14, 1133:16, 1135:4, 1139:12, 1141:2, 1147:23, 1152:5, 1154:24, 1155:8, 1155:14, 1156:8, 1156:16, 1162:8, 1162:9, 1164:17, 1171:16, 1174:2, 1174:6, 1174:19, 1179:5, 1183:22, 1189:25, 1190:1, 1190:9, 1190:10, 1191:4, 1191:9, 1191:16, 1191:25, 1195:22, 1196:9, 1196:14, 1196:19, 1207:17, 1209:4, 1209:7, 1209:13, 1209:19, 1212:4, 1214:19, 1221:16, 1242:1, 1247:3<br/> <b>per</b> [1] - 1158:20<br/> <b>perceived</b> [1] - 1145:14<br/> <b>perceives</b> [1] - 1192:24<br/> <b>percent</b> [2] - 1133:22, 1207:19<br/> <b>perennial</b> [1] - 1174:2<br/> <b>perfect</b> [2] - 1139:21, 1144:4<br/> <b>perfectly</b> [1] - 1235:20<br/> <b>performed</b> [1] - 1230:21<br/> <b>perfume</b> [1] - 1245:23<br/> <b>perhaps</b> [7] - 1151:5, 1185:25, 1191:11, 1191:22, 1196:18, 1208:16, 1211:17<br/> <b>period</b> [16] - 1144:13, 1147:15, 1148:9, 1150:24, 1151:2, 1151:8, 1151:9, 1155:2, 1155:3, 1156:21, 1161:23, 1177:4, 1181:16, 1181:20, 1181:24, 1182:21<br/> <b>periodically</b> [1] - 1164:3<br/> <b>permissible</b> [1] - 1138:13<br/> <b>permitted</b> [1] - 1244:21<br/> <b>perpetrators</b> [1] - 1082:19<br/> <b>persecuted</b> [3] - 1168:9, 1168:13, 1168:22<br/> <b>person</b> [14] - 1156:14, 1159:20, 1185:24, 1191:21, 1191:22, 1192:24, 1193:3, 1194:17, 1194:20, 1197:7, 1198:14, 1210:3, 1213:6, 1231:15<br/> <b>person's</b> [1] - 1083:24<br/> <b>personal</b> [2] - 1155:24, 1156:2<br/> <b>personally</b> [1] - 1245:24<br/> <b>persons</b> [5] - 1154:9, 1155:22, 1155:23, 1227:8, 1227:15<br/> <b>perspective</b> [2] - 1145:8, 1182:4<br/> <b>persuade</b> [1] - 1256:10<br/> <b>pertain</b> [1] - 1202:14<br/> <b>peshawar</b> [1] - 1244:17<br/> <b>Peshawar</b> [10] - 1106:25, 1107:1, 1107:5, 1135:21, 1137:9, 1137:11, 1137:13, 1187:9, 1188:25, 1244:17<br/> <b>Ph.D</b> [5] - 1126:4, 1127:6, 1127:11, 1128:3, 1176:11<br/> <b>pharmacy</b> [1] - 1101:22<br/> <b>phase</b> [1] - 1219:3</p> |
| <b>P</b>   |  |  |
| <p><b>pace</b> [1] - 1258:10<br/> <b>pacified</b> [1] - 1142:17<br/> <b>package</b> [1] - 1094:18<br/> <b>Page</b> [1] - 1205:25<br/> <b>PAGE</b> [1] - 1260:1<br/> <b>page</b> [29] - 1086:23, 1088:21, 1091:9, 1105:17, 1112:20, 1120:22, 1121:25, 1136:2, 1151:19, 1153:4, 1160:10, 1178:16, 1180:17, 1184:23, 1202:20, 1207:25, 1212:22, 1215:5, 1216:5, 1216:9, 1221:24, 1222:8, 1225:13, 1228:11, 1232:23, 1239:25, 1240:8, 1247:18, 1260:11<br/> <b>paid</b> [3] - 1132:17, 1141:3<br/> <b>paint</b> [1] - 1170:15<br/> <b>Pakistan</b> [33] - 1106:23, 1107:13, 1107:15, 1118:8, 1118:10, 1118:11, 1118:14, 1131:3, 1136:1, 1137:16, 1142:1, 1142:14, 1149:9, 1149:13, 1149:14, 1149:17, 1150:11, 1152:18, 1152:21, 1154:25, 1155:9, 1155:18, 1156:7, 1156:10, 1157:4, 1187:1, 1187:11, 1220:1, 1224:2, 1244:16, 1247:11, 1247:13<br/> <b>Pakistani</b> [6] - 1135:21, 1135:22, 1149:15, 1150:11, 1150:20, 1156:12<br/> <b>Palestine</b> [3] - 1160:2, 1170:4, 1197:18<br/> <b>Palestinian</b> [2] - 1197:19, 1197:20<br/> <b>paper</b> [4] - 1203:19, 1233:1, 1235:12, 1235:13<br/> <b>paradise</b> [1] - 1245:12<br/> <b>parents</b> [1] - 1200:7<br/> <b>Park</b> [1] - 1080:22</p> |  |  |

|  |   |  |
|--|---|--|
| <p><b>phone</b> <sup>[1]</sup> - 1156:6</p> <p><b>photo</b> <sup>[1]</sup> - 1203:13</p> <p><b>photograph</b> <sup>[2]</sup> - 1203:8, 1203:23</p> <p><b>phrase</b> <sup>[2]</sup> - 1210:16, 1235:9</p> <p><b>phrases</b> <sup>[1]</sup> - 1097:1</p> <p><b>physical</b> <sup>[4]</sup> - 1083:15, 1083:17, 1089:25, 1138:11</p> <p><b>physically</b> <sup>[1]</sup> - 1135:20</p> <p><b>pick</b> <sup>[5]</sup> - 1126:3, 1139:3, 1139:7, 1256:6, 1257:6</p> <p><b>picture</b> <sup>[2]</sup> - 1203:10, 1216:14</p> <p><b>piece</b> <sup>[5]</sup> - 1220:3, 1232:25, 1235:11, 1235:13, 1242:24</p> <p><b>pieces</b> <sup>[2]</sup> - 1203:19, 1242:16</p> <p><b>pin</b> <sup>[1]</sup> - 1244:25</p> <p><b>pitted</b> <sup>[1]</sup> - 1171:25</p> <p><b>place</b> <sup>[13]</sup> - 1089:1, 1094:8, 1143:10, 1150:23, 1154:18, 1158:16, 1159:11, 1168:12, 1168:13, 1168:21, 1204:2, 1240:1, 1258:4</p> <p><b>placed</b> <sup>[2]</sup> - 1198:4, 1223:21</p> <p><b>places</b> <sup>[7]</sup> - 1110:23, 1150:16, 1156:17, 1158:2, 1168:19, 1170:5, 1198:9</p> <p><b>plain</b> <sup>[1]</sup> - 1234:6</p> <p><b>plan</b> <sup>[14]</sup> - 1100:20, 1101:11, 1104:1, 1104:22, 1109:23, 1109:24, 1113:14, 1113:15, 1114:6, 1222:3, 1252:4, 1252:13, 1255:22</p> <p><b>Plan</b> <sup>[2]</sup> - 1102:23, 1103:25</p> <p><b>plane</b> <sup>[1]</sup> - 1112:3</p> <p><b>planet</b> <sup>[2]</sup> - 1190:15, 1197:12</p> <p><b>planned</b> <sup>[2]</sup> - 1147:19, 1235:18</p> <p><b>planners</b> <sup>[3]</sup> - 1221:13, 1221:15, 1221:16</p> <p><b>planning</b> <sup>[3]</sup> - 1196:3, 1255:19, 1256:12</p> <p><b>plans</b> <sup>[2]</sup> - 1109:21, 1173:13</p> <p><b>platform</b> <sup>[1]</sup> - 1163:13</p> <p><b>play</b> <sup>[10]</sup> - 1173:2, 1249:2, 1253:16, 1253:18, 1253:22, 1254:14, 1255:19, 1256:8, 1256:12</p> <p><b>played</b> <sup>[1]</sup> - 1251:1</p> <p><b>Plaza</b> <sup>[1]</sup> - 1080:15</p> <p><b>plea</b> <sup>[5]</sup> - 1087:13, 1090:18, 1096:16, 1098:5, 1111:17</p> <p><b>pleaded</b> <sup>[1]</sup> - 1111:14</p> <p><b>pleasing</b> <sup>[1]</sup> - 1138:8</p> <p><b>PLLC</b> <sup>[1]</sup> - 1080:19</p> <p><b>plot</b> <sup>[4]</sup> - 1100:20, 1102:18, 1115:2, 1170:9</p> <p><b>plural</b> <sup>[1]</sup> - 1144:6</p> <p><b>plus</b> <sup>[2]</sup> - 1172:11, 1243:4</p> <p><b>poetry</b> <sup>[1]</sup> - 1226:24</p> <p><b>point</b> <sup>[31]</sup> - 1085:25, 1101:5, 1101:22, 1102:18, 1104:3, 1104:22, 1158:4, 1163:10, 1163:12, 1164:7, 1165:18, 1173:20, 1179:20, 1179:22, 1180:12, 1181:9, 1184:7, 1188:21, 1201:1, 1210:17, 1220:10, 1222:3, 1226:3, 1226:4, 1226:19, 1226:23, 1235:12, 1244:18, 1252:2, 1252:7, 1259:9</p> <p><b>pointing</b> <sup>[1]</sup> - 1099:13</p> | <p><b>points</b> <sup>[1]</sup> - 1157:24</p> <p><b>police</b> <sup>[5]</sup> - 1102:6, 1114:2, 1114:3, 1114:6, 1145:16</p> <p><b>policy</b> <sup>[4]</sup> - 1124:21, 1124:23, 1125:5, 1183:15</p> <p><b>policy-makers</b> <sup>[1]</sup> - 1183:15</p> <p><b>polycymakers</b> <sup>[1]</sup> - 1165:15</p> <p><b>polish</b> <sup>[3]</sup> - 1101:20, 1101:23</p> <p><b>political</b> <sup>[11]</sup> - 1133:16, 1139:11, 1145:18, 1146:10, 1167:21, 1167:22, 1167:23, 1170:3, 1182:11, 1208:3, 1210:8</p> <p><b>politicized</b> <sup>[1]</sup> - 1143:18</p> <p><b>Polytechnic</b> <sup>[1]</sup> - 1128:23</p> <p><b>population</b> <sup>[1]</sup> - 1187:10</p> <p><b>Port</b> <sup>[1]</sup> - 1148:1</p> <p><b>portions</b> <sup>[2]</sup> - 1248:22, 1249:2</p> <p><b>portray</b> <sup>[1]</sup> - 1174:6</p> <p><b>portraying</b> <sup>[1]</sup> - 1169:25</p> <p><b>posing</b> <sup>[1]</sup> - 1102:9</p> <p><b>position</b> <sup>[7]</sup> - 1084:25, 1112:13, 1112:25, 1144:3, 1214:10, 1214:17, 1248:9</p> <p><b>positions</b> <sup>[3]</sup> - 1108:25, 1144:17, 1148:14</p> <p><b>positive</b> <sup>[1]</sup> - 1174:20</p> <p><b>possible</b> <sup>[12]</sup> - 1089:13, 1122:19, 1122:25, 1123:1, 1151:10, 1162:6, 1213:25, 1214:1, 1214:2, 1255:22, 1257:9</p> <p><b>possibly</b> <sup>[1]</sup> - 1114:12</p> <p><b>post</b> <sup>[3]</sup> - 1128:6, 1150:24, 1161:24</p> <p><b>post-9/11</b> <sup>[1]</sup> - 1172:25</p> <p><b>post-911</b> <sup>[1]</sup> - 1219:8</p> <p><b>post-doctoral</b> <sup>[1]</sup> - 1128:6</p> <p><b>posted</b> <sup>[1]</sup> - 1177:1</p> <p><b>posting</b> <sup>[1]</sup> - 1177:10</p> <p><b>potential</b> <sup>[5]</sup> - 1165:11, 1179:4, 1190:6, 1198:16, 1208:13</p> <p><b>potentially</b> <sup>[16]</sup> - 1165:12, 1192:14, 1193:3, 1195:19, 1197:16, 1198:24, 1199:2, 1209:17, 1209:22, 1209:24, 1209:25, 1210:2, 1210:3, 1214:12, 1218:1, 1222:4</p> <p><b>power</b> <sup>[7]</sup> - 1133:11, 1133:13, 1134:16, 1140:2, 1149:4, 1210:18, 1218:19</p> <p><b>powerful</b> <sup>[2]</sup> - 1219:2, 1219:9</p> <p><b>practice</b> <sup>[1]</sup> - 1173:22</p> <p><b>practiced</b> <sup>[1]</sup> - 1168:19</p> <p><b>praise</b> <sup>[1]</sup> - 1194:16</p> <p><b>pravda</b> <sup>[1]</sup> - 1092:13</p> <p><b>Pravda</b> <sup>[2]</sup> - 1088:3, 1088:13</p> <p><b>PRAVDA</b> <sup>[8]</sup> - 1080:16, 1088:17, 1089:5, 1090:25, 1115:13, 1115:15, 1120:20, 1260:4</p> <p><b>prayer</b> <sup>[1]</sup> - 1239:13</p> <p><b>pre</b> <sup>[1]</sup> - 1224:12</p> <p><b>preachers</b> <sup>[1]</sup> - 1158:18</p> <p><b>precise</b> <sup>[1]</sup> - 1084:3</p> <p><b>predictive</b> <sup>[1]</sup> - 1210:17</p> <p><b>preexisting</b> <sup>[1]</sup> - 1157:23</p> | <p><b>prejudice</b> <sup>[4]</sup> - 1081:22, 1083:6, 1179:16, 1179:18</p> <p><b>prejudicial</b> <sup>[3]</sup> - 1081:11, 1081:21, 1083:9</p> <p><b>preparation</b> <sup>[3]</sup> - 1196:4, 1213:15, 1218:4</p> <p><b>prepare</b> <sup>[2]</sup> - 1196:7, 1237:18</p> <p><b>prepared</b> <sup>[7]</sup> - 1114:2, 1114:21, 1230:19, 1238:1, 1238:18, 1248:25, 1252:7</p> <p><b>Preparing</b> <sup>[1]</sup> - 1257:17</p> <p><b>preponderance</b> <sup>[1]</sup> - 1244:23</p> <p><b>presence</b> <sup>[12]</sup> - 1081:1, 1121:9, 1145:11, 1148:15, 1150:19, 1150:25, 1165:24, 1166:7, 1184:19, 1190:14, 1232:14, 1242:9</p> <p><b>present</b> <sup>[6]</sup> - 1081:2, 1086:21, 1087:4, 1145:7, 1241:1, 1244:11</p> <p><b>presented</b> <sup>[1]</sup> - 1243:5</p> <p><b>preserved</b> <sup>[1]</sup> - 1085:12</p> <p><b>preserving</b> <sup>[1]</sup> - 1085:10</p> <p><b>preset</b> <sup>[1]</sup> - 1141:4</p> <p><b>press</b> <sup>[5]</sup> - 1194:19, 1212:11, 1217:1, 1250:7, 1250:8</p> <p><b>pressure</b> <sup>[1]</sup> - 1178:10</p> <p><b>pretty</b> <sup>[1]</sup> - 1083:3</p> <p><b>prevent</b> <sup>[1]</sup> - 1252:19</p> <p><b>previously</b> <sup>[6]</sup> - 1087:2, 1098:22, 1132:9, 1192:21, 1216:16, 1244:3</p> <p><b>primary</b> <sup>[1]</sup> - 1122:20</p> <p><b>prison</b> <sup>[10]</sup> - 1093:1, 1093:6, 1093:8, 1096:5, 1096:7, 1096:17, 1097:16, 1097:17, 1207:1</p> <p><b>Prisons</b> <sup>[1]</sup> - 1094:25</p> <p><b>probative</b> <sup>[2]</sup> - 1081:10, 1256:11</p> <p><b>problem</b> <sup>[7]</sup> - 1082:4, 1102:21, 1111:21, 1203:15, 1225:7, 1236:15, 1258:11</p> <p><b>problems</b> <sup>[1]</sup> - 1246:14</p> <p><b>proceed</b> <sup>[1]</sup> - 1228:9</p> <p><b>proceeding</b> <sup>[1]</sup> - 1206:11</p> <p><b>proceedings</b> <sup>[2]</sup> - 1184:2, 1227:20</p> <p><b>process</b> <sup>[4]</sup> - 1082:8, 1183:15, 1209:20, 1210:10</p> <p><b>processes</b> <sup>[1]</sup> - 1125:8</p> <p><b>produce</b> <sup>[2]</sup> - 1164:5, 1176:18</p> <p><b>produced</b> <sup>[4]</sup> - 1163:25, 1164:2, 1224:13, 1226:14</p> <p><b>producing</b> <sup>[1]</sup> - 1163:23</p> <p><b>product</b> <sup>[1]</sup> - 1175:4</p> <p><b>production</b> <sup>[3]</sup> - 1163:22, 1166:18, 1181:23</p> <p><b>products</b> <sup>[7]</sup> - 1116:24, 1163:24, 1164:10, 1164:12, 1166:19, 1166:23, 1175:3</p> <p><b>profession</b> <sup>[1]</sup> - 1173:19</p> <p><b>Professor</b> <sup>[1]</sup> - 1185:16</p> <p><b>profile</b> <sup>[3]</sup> - 1084:8, 1183:20, 1209:12</p> <p><b>program</b> <sup>[13]</sup> - 1117:2, 1122:11, 1122:13, 1122:14, 1123:5, 1123:8, 1123:13, 1123:18, 1124:3, 1124:17, 1124:18, 1125:9, 1125:13</p> |
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|  |   |  |
|--|---|--|
| <p><b>progress</b> <sup>[1]</sup> - 1182:6</p> <p><b>prolific</b> <sup>[4]</sup> - 1164:12, 1176:19, 1204:20, 1204:21</p> <p><b>prominence</b> <sup>[1]</sup> - 1142:7</p> <p><b>prominent</b> <sup>[11]</sup> - 1135:10, 1176:1, 1176:9, 1200:8, 1200:14, 1224:5, 1224:8, 1226:10, 1226:13, 1257:19, 1257:20</p> <p><b>promise</b> <sup>[1]</sup> - 1119:25</p> <p><b>promised</b> <sup>[5]</sup> - 1096:15, 1096:20, 1097:19, 1120:9, 1120:12</p> <p><b>promises</b> <sup>[3]</sup> - 1090:19, 1119:7, 1120:6</p> <p><b>promising</b> <sup>[1]</sup> - 1098:1</p> <p><b>pronounce</b> <sup>[1]</sup> - 1102:16</p> <p><b>pronunciation</b> <sup>[1]</sup> - 1197:23</p> <p><b>proof</b> <sup>[1]</sup> - 1248:4</p> <p><b>propaganda</b> <sup>[33]</sup> - 1130:9, 1130:20, 1139:10, 1162:4, 1163:8, 1163:15, 1164:17, 1167:17, 1167:19, 1167:20, 1168:4, 1168:24, 1169:22, 1170:12, 1170:15, 1170:23, 1171:2, 1171:6, 1171:7, 1171:11, 1173:4, 1174:23, 1175:12, 1176:2, 1177:13, 1193:18, 1212:7, 1220:2, 1220:3, 1227:12, 1247:14, 1253:14, 1256:23</p> <p><b>propagandist</b> <sup>[1]</sup> - 1176:4</p> <p><b>propagandists</b> <sup>[1]</sup> - 1177:23</p> <p><b>propensity</b> <sup>[3]</sup> - 1081:17, 1081:18</p> <p><b>proper</b> <sup>[2]</sup> - 1244:5, 1244:9</p> <p><b>properly</b> <sup>[1]</sup> - 1251:14</p> <p><b>Prophet</b> <sup>[7]</sup> - 1167:10, 1168:8, 1170:7, 1172:1, 1172:3, 1172:11</p> <p><b>prophets</b> <sup>[1]</sup> - 1167:9</p> <p><b>proposal</b> <sup>[1]</sup> - 1249:3</p> <p><b>proposed</b> <sup>[1]</sup> - 1252:14</p> <p><b>proposing</b> <sup>[1]</sup> - 1233:4</p> <p><b>prosecuted</b> <sup>[2]</sup> - 1106:8, 1106:21</p> <p><b>prosecution</b> <sup>[2]</sup> - 1087:24, 1098:17</p> <p><b>prosecutor</b> <sup>[3]</sup> - 1085:1, 1085:3, 1099:10</p> <p><b>prosecutors</b> <sup>[3]</sup> - 1087:14, 1099:16, 1118:25</p> <p><b>proselytize</b> <sup>[3]</sup> - 1139:24, 1189:20, 1189:23</p> <p><b>proselytizing</b> <sup>[3]</sup> - 1158:14, 1189:22, 1247:14</p> <p><b>protected</b> <sup>[1]</sup> - 1148:24</p> <p><b>proud</b> <sup>[1]</sup> - 1174:22</p> <p><b>proved</b> <sup>[1]</sup> - 1179:14</p> <p><b>provide</b> <sup>[8]</sup> - 1104:17, 1123:25, 1124:12, 1125:7, 1141:14, 1141:21, 1169:11, 1220:24</p> <p><b>provided</b> <sup>[4]</sup> - 1083:20, 1207:16, 1234:24, 1248:25</p> <p><b>provides</b> <sup>[2]</sup> - 1117:1, 1205:14</p> <p><b>Providing</b> <sup>[1]</sup> - 1141:16</p> <p><b>providing</b> <sup>[5]</sup> - 1161:12, 1163:13, 1174:17, 1223:6, 1223:7</p> <p><b>province</b> <sup>[1]</sup> - 1137:22</p> <p><b>public</b> <sup>[12]</sup> - 1144:18, 1144:25, 1176:22, 1181:22, 1183:2, 1191:25, 1193:10,</p> | <p>1193:24, 1194:5, 1201:5, 1201:7</p> <p><b>publicity</b> <sup>[1]</sup> - 1218:18</p> <p><b>publicized</b> <sup>[3]</sup> - 1148:2, 1148:3, 1148:7</p> <p><b>publicizing</b> <sup>[1]</sup> - 1201:2</p> <p><b>publicly</b> <sup>[5]</sup> - 1144:16, 1161:6, 1194:3, 1194:7, 1225:10</p> <p><b>publish</b> <sup>[2]</sup> - 1092:4, 1147:2</p> <p><b>published</b> <sup>[13]</sup> - 1123:20, 1124:16, 1127:4, 1127:15, 1129:8, 1129:9, 1129:10, 1137:4, 1141:20, 1147:3, 1149:25, 1204:3, 1216:17</p> <p><b>publishing</b> <sup>[1]</sup> - 1201:2</p> <p><b>pulls</b> <sup>[1]</sup> - 1145:25</p> <p><b>purportedly</b> <sup>[1]</sup> - 1209:9</p> <p><b>purpose</b> <sup>[8]</sup> - 1125:4, 1164:13, 1171:2, 1171:20, 1173:25, 1174:24, 1218:15, 1218:22</p> <p><b>purposes</b> <sup>[8]</sup> - 1165:7, 1174:1, 1193:16, 1193:18, 1212:17, 1219:11, 1232:1, 1233:2</p> <p><b>pursuant</b> <sup>[1]</sup> - 1237:13</p> <p><b>push</b> <sup>[1]</sup> - 1114:22</p> <p><b>put</b> <sup>[28]</sup> - 1101:11, 1110:8, 1117:9, 1123:6, 1123:23, 1125:1, 1130:21, 1143:22, 1162:3, 1163:5, 1164:13, 1164:16, 1164:23, 1165:9, 1169:9, 1188:6, 1205:4, 1213:19, 1214:22, 1216:14, 1242:4, 1243:15, 1247:8, 1248:14, 1251:9, 1252:6, 1256:18</p> <p><b>puts</b> <sup>[4]</sup> - 1084:20, 1130:9, 1217:3, 1220:3</p> <p><b>putting</b> <sup>[2]</sup> - 1088:9, 1130:23</p> | <p>1162:19, 1163:5, 1163:9, 1163:16, 1163:17, 1164:16, 1165:9, 1165:12, 1166:16, 1166:17, 1166:20, 1166:24, 1169:7, 1169:10, 1170:8, 1172:13, 1172:16, 1173:3, 1173:5, 1173:6, 1173:13, 1173:22, 1174:9, 1174:13, 1174:15, 1174:23, 1175:11, 1175:18, 1175:19, 1176:5, 1182:13, 1185:21, 1187:14, 1187:20, 1188:9, 1188:10, 1188:12, 1189:4, 1189:13, 1193:5, 1193:6, 1193:7, 1193:14, 1193:24, 1194:2, 1194:5, 1194:7, 1194:10, 1194:23, 1195:11, 1195:25, 1196:3, 1196:19, 1197:24, 1198:4, 1198:9, 1198:10, 1198:13, 1198:17, 1199:5, 1199:11, 1199:14, 1199:15, 1199:23, 1200:1, 1205:12, 1212:7, 1212:12, 1216:20, 1217:3, 1218:7, 1218:15, 1218:24, 1219:13, 1219:18, 1219:23, 1220:3, 1220:14, 1220:24, 1221:7, 1221:15, 1223:4, 1223:8, 1223:11, 1223:19, 1223:22, 1223:25, 1225:3, 1226:10, 1226:11, 1226:13, 1244:10, 1244:18, 1245:2, 1245:11, 1245:17, 1245:22, 1247:1, 1247:9, 1247:17, 1248:15</p> <p><b>Qaeda's</b> <sup>[18]</sup> - 1135:9, 1145:8, 1147:13, 1161:6, 1164:7, 1164:8, 1166:21, 1167:20, 1168:4, 1172:14, 1173:20, 1174:2, 1178:11, 1193:11, 1219:18, 1221:1, 1225:8, 1225:9</p> <p><b>Qatar</b> <sup>[1]</sup> - 1147:11</p> <p><b>Qu'ran</b> <sup>[3]</sup> - 1167:4, 1167:8, 1168:3</p> <p><b>qualifications</b> <sup>[1]</sup> - 1106:19</p> <p><b>qualify</b> <sup>[1]</sup> - 1132:13</p> <p><b>Qualities</b> <sup>[1]</sup> - 1204:11</p> <p><b>quality</b> <sup>[1]</sup> - 1164:1</p> <p><b>Queens</b> <sup>[1]</sup> - 1101:5</p> <p><b>questioned</b> <sup>[1]</sup> - 1243:2</p> <p><b>questions</b> <sup>[28]</sup> - 1093:5, 1112:20, 1115:18, 1116:19, 1117:12, 1118:7, 1118:19, 1120:20, 1141:10, 1166:16, 1189:7, 1193:5, 1193:6, 1197:3, 1200:3, 1205:22, 1212:9, 1217:18, 1217:21, 1218:7, 1218:9, 1219:13, 1219:16, 1220:4, 1220:13, 1224:3, 1239:15, 1241:17</p> <p><b>quick</b> <sup>[2]</sup> - 1209:18, 1242:11</p> <p><b>quickly</b> <sup>[1]</sup> - 1213:4</p> <p><b>quit</b> <sup>[2]</sup> - 1115:2, 1138:5</p> <p><b>quite</b> <sup>[5]</sup> - 1149:8, 1151:12, 1155:6, 1156:16, 1158:21</p> <p><b>Quite</b> <sup>[1]</sup> - 1157:18</p> <p><b>quote</b> <sup>[1]</sup> - 1208:1</p> <p><b>quotes</b> <sup>[1]</sup> - 1257:23</p> <p><b>quoting</b> <sup>[1]</sup> - 1164:19</p> |
| <div>R</div>   |   |  |
| <p><b>radical</b> <sup>[14]</sup> - 1127:3, 1182:7, 1182:22, 1183:5, 1191:6, 1191:10, 1200:20, 1210:19, 1211:24, 1212:1, 1218:5,</p>   |   |  |

|   |  |  |
|---|--|--|
| <p>1224:14, 1226:5, 1255:7<br/> <b>radicalism</b> [1] - 1156:13<br/> <b>Radicalization</b> [1] - 1154:6<br/> <b>radicalization</b> [37] - 1084:3, 1124:13, 1124:19, 1125:6, 1125:17, 1129:4, 1131:13, 1131:16, 1131:19, 1132:1, 1132:7, 1132:10, 1154:5, 1167:2, 1167:17, 1172:23, 1183:10, 1183:12, 1183:14, 1183:20, 1183:21, 1207:8, 1207:13, 1207:22, 1208:4, 1208:9, 1208:14, 1208:15, 1208:16, 1208:21, 1208:25, 1209:12, 1209:16, 1210:3, 1210:5, 1210:10, 1247:10<br/> <b>radicalize</b> [3] - 1154:7, 1154:24, 1183:23<br/> <b>radicalized</b> [5] - 1127:1, 1154:10, 1156:9, 1227:8, 1227:16<br/> <b>radicals</b> [1] - 1126:22<br/> <b>raise</b> [2] - 1121:17, 1173:17<br/> <b>raised</b> [3] - 1175:16, 1213:2, 1229:22<br/> <b>Rand</b> [4] - 1128:6, 1128:8, 1128:19, 1128:21<br/> <b>RAND</b> [1] - 1128:8<br/> <b>random</b> [1] - 1172:18<br/> <b>range</b> [3] - 1090:23, 1114:24, 1190:10<br/> <b>ranged</b> [1] - 1164:2<br/> <b>ranking</b> [1] - 1107:22<br/> <b>ranks</b> [1] - 1171:21<br/> <b>rather</b> [1] - 1250:13<br/> <b>re</b> [1] - 1190:5<br/> <b>re-Islamize</b> [1] - 1190:5<br/> <b>reach</b> [5] - 1137:19, 1162:6, 1162:13, 1189:25, 1190:4<br/> <b>reached</b> [1] - 1162:23<br/> <b>reaches</b> [1] - 1190:6<br/> <b>reaching</b> [4] - 1085:24, 1152:4, 1164:19, 1247:12<br/> <b>reaction</b> [3] - 1164:21, 1164:24<br/> <b>read</b> [11] - 1206:9, 1217:5, 1234:6, 1238:15, 1248:23, 1249:12, 1250:9, 1250:10, 1250:12, 1250:13<br/> <b>read-back</b> [4] - 1248:23, 1249:12, 1250:12, 1250:13<br/> <b>Reading</b> [1] - 1204:16<br/> <b>reading</b> [1] - 1216:7<br/> <b>ready</b> [4] - 1100:11, 1105:9, 1115:8, 1121:7<br/> <b>real</b> [2] - 1111:21, 1169:8<br/> <b>reality</b> [1] - 1171:16<br/> <b>really</b> [21] - 1082:3, 1084:24, 1085:24, 1093:2, 1096:5, 1100:8, 1100:10, 1103:11, 1114:19, 1157:7, 1177:7, 1177:9, 1188:22, 1195:20, 1200:2, 1210:14, 1241:13, 1241:14, 1249:6, 1249:13, 1252:4<br/> <b>realm</b> [2] - 1210:15<br/> <b>realtime</b> [1] - 1234:15<br/> <b>rear</b> [1] - 1081:13<br/> <b>rear-guard</b> [1] - 1081:13<br/> <b>rearrange</b> [1] - 1121:1<br/> <b>reason</b> [16] - 1081:9, 1082:14, 1126:24,</p> | <p>1134:4, 1141:15, 1145:2, 1145:17, 1164:15, 1177:22, 1177:24, 1179:24, 1180:5, 1180:7, 1180:8, 1180:11, 1249:24<br/> <b>reasonable</b> [1] - 1252:15<br/> <b>reasons</b> [12] - 1084:11, 1130:17, 1145:6, 1145:15, 1150:9, 1160:8, 1163:18, 1193:13, 1196:23, 1218:17, 1220:22<br/> <b>receive</b> [7] - 1089:19, 1090:16, 1120:13, 1141:10, 1230:11, 1235:16, 1235:17<br/> <b>received</b> [15] - 1092:2, 1092:3, 1117:25, 1230:8, 1231:23, 1232:2, 1232:3, 1232:19, 1233:7, 1233:24, 1236:22, 1236:23, 1238:11, 1238:12, 1243:20<br/> <b>Received</b> [1] - 1146:25<br/> <b>receiving</b> [2] - 1116:19, 1258:18<br/> <b>recent</b> [1] - 1208:2<br/> <b>recently</b> [3] - 1088:3, 1088:13, 1152:17<br/> <b>Recess</b> [2] - 1121:8, 1166:6<br/> <b>recognize</b> [4] - 1084:20, 1102:9, 1146:18, 1237:23<br/> <b>recognized</b> [2] - 1138:25, 1176:4<br/> <b>recommended</b> [1] - 1259:10<br/> <b>recommending</b> [1] - 1259:10<br/> <b>reconvene</b> [1] - 1121:6<br/> <b>record</b> [22] - 1085:18, 1085:21, 1085:22, 1086:3, 1121:20, 1214:6, 1228:5, 1231:2, 1232:4, 1232:5, 1233:15, 1235:10, 1242:19, 1246:2, 1249:8, 1250:8, 1250:18, 1250:25, 1251:4, 1251:15, 1254:19<br/> <b>recording</b> [1] - 1251:3<br/> <b>recorded</b> [3] - 1095:22, 1201:12, 1201:20<br/> <b>recording</b> [1] - 1106:5<br/> <b>recordings</b> [2] - 1201:22, 1201:25<br/> <b>records</b> [3] - 1085:11, 1141:5, 1251:25<br/> <b>recreation</b> [3] - 1093:21, 1093:23, 1097:10<br/> <b>recross</b> [1] - 1120:21<br/> <b>recruit</b> [6] - 1161:10, 1161:24, 1162:17, 1164:14, 1220:20, 1245:13<br/> <b>recruiters</b> [1] - 1155:20<br/> <b>recruiting</b> [4] - 1156:18, 1161:12, 1172:25, 1174:24<br/> <b>recruitment</b> [3] - 1162:2, 1162:11, 1193:16<br/> <b>recruits</b> [12] - 1130:9, 1152:17, 1173:5, 1175:2, 1218:18, 1218:21, 1219:5, 1220:13, 1220:16, 1221:7, 1221:9, 1223:22<br/> <b>redact</b> [1] - 1203:14<br/> <b>redacted</b> [1] - 1249:2<br/> <b>redirect</b> [3] - 1115:12, 1115:13, 1217:12<br/> <b>REDIRECT</b> [3] - 1115:14, 1217:16, 1260:4<br/> <b>refer</b> [4] - 1168:2, 1169:4, 1186:6, 1197:16<br/> <b>reference</b> [8] - 1170:12, 1170:23, 1172:15, 1172:16, 1172:18, 1172:22,</p> | <p>1213:12, 1253:12<br/> <b>referenced</b> [2] - 1172:12, 1243:7<br/> <b>references</b> [2] - 1178:7, 1179:3<br/> <b>referencing</b> [1] - 1183:1<br/> <b>referred</b> [4] - 1170:19, 1172:8, 1254:23, 1258:25<br/> <b>referring</b> [8] - 1112:1, 1112:23, 1168:16, 1200:2, 1205:24, 1207:24, 1250:24, 1255:13<br/> <b>reflecting</b> [1] - 1089:11<br/> <b>reflects</b> [1] - 1086:3<br/> <b>reframe</b> [1] - 1171:5<br/> <b>refuge</b> [3] - 1150:7, 1150:8, 1150:23<br/> <b>regard</b> [2] - 1083:11, 1147:14<br/> <b>regarding</b> [6] - 1089:19, 1144:14, 1216:23, 1219:21, 1253:13, 1256:22<br/> <b>regime</b> [2] - 1134:9, 1158:23<br/> <b>regimes</b> [11] - 1134:11, 1134:12, 1134:18, 1145:16, 1145:19, 1145:21, 1146:1, 1146:3, 1146:4, 1146:11<br/> <b>region</b> [11] - 1108:14, 1135:25, 1137:18, 1149:23, 1155:5, 1156:3, 1157:2, 1159:25, 1197:10, 1220:8, 1247:11<br/> <b>regular</b> [3] - 1124:22, 1175:15, 1217:4<br/> <b>regulated</b> [1] - 1138:12<br/> <b>rehabilitated</b> [1] - 1105:8<br/> <b>reinforcing</b> [1] - 1144:3<br/> <b>reintroduce</b> [2] - 1158:12, 1158:18<br/> <b>rejoin</b> [1] - 1105:9<br/> <b>relabel</b> [1] - 1233:4<br/> <b>relate</b> [3] - 1098:21, 1138:17, 1224:14<br/> <b>related</b> [3] - 1122:14, 1125:21, 1128:25<br/> <b>relation</b> [2] - 1205:21, 1208:2<br/> <b>relationship</b> [7] - 1139:14, 1142:3, 1151:3, 1157:19, 1158:5, 1174:16, 1250:7<br/> <b>relationships</b> [3] - 1143:6, 1150:21, 1199:17<br/> <b>relatively</b> [2] - 1151:12, 1159:6<br/> <b>relayed</b> [1] - 1251:21<br/> <b>release</b> [3] - 1181:16, 1194:19, 1212:12<br/> <b>released</b> [12] - 1091:3, 1091:4, 1098:6, 1098:18, 1099:1, 1100:7, 1100:10, 1105:2, 1105:5, 1119:9, 1123:1, 1181:14<br/> <b>releases</b> [1] - 1217:1<br/> <b>relevant</b> [3] - 1090:15, 1177:17, 1259:7<br/> <b>reliability</b> [1] - 1083:19<br/> <b>relied</b> [1] - 1234:3<br/> <b>religion</b> [2] - 1145:10, 1191:11<br/> <b>religions</b> [3] - 1191:8, 1209:8, 1209:9<br/> <b>religious</b> [24] - 1133:12, 1133:16, 1135:5, 1139:9, 1139:12, 1140:23, 1142:13, 1144:20, 1144:23, 1145:10, 1167:11, 1167:12, 1167:21, 1167:24, 1167:25, 1168:16, 1178:3, 1178:5, 1182:4, 1200:12, 1201:13, 1202:11<br/> <b>religiously</b> [1] - 1140:5<br/> <b>religiously-motivated</b> [1] - 1140:5<br/> <b>relocated</b> [1] - 1101:5<br/> <b>rely</b> [6] - 1122:19, 1122:20, 1122:21,</p> |
|---|--|--|



|   |  |   |
|---|--|---|
| <p>1122:22, 1122:23, 1123:1<br/> <b>relying</b> [2] - 1163:19, 1234:24<br/> <b>remain</b> [2] - 1134:5, 1149:3<br/> <b>remainder</b> [1] - 1086:12<br/> <b>remained</b> [4] - 1133:4, 1134:2, 1134:24, 1135:19<br/> <b>remains</b> [2] - 1090:25, 1247:6<br/> <b>remember</b> [5] - 1112:16, 1112:19, 1113:9, 1117:14, 1212:13<br/> <b>remover</b> [3] - 1101:20, 1101:23, 1101:24<br/> <b>repeat</b> [1] - 1119:20<br/> <b>repeating</b> [1] - 1241:11<br/> <b>replace</b> [1] - 1134:18<br/> <b>replacing</b> [1] - 1134:12<br/> <b>replica</b> [1] - 1236:9<br/> <b>reply</b> [1] - 1246:15<br/> <b>report</b> [5] - 1117:20, 1117:25, 1129:2, 1129:5<br/> <b>reported</b> [2] - 1106:4, 1207:4<br/> <b>reporters</b> [1] - 1251:2<br/> <b>reporting</b> [3] - 1122:22, 1125:4, 1130:22<br/> <b>reports</b> [4] - 1123:20, 1124:16, 1124:17, 1125:1<br/> <b>representations</b> [1] - 1090:20<br/> <b>Representatives</b> [2] - 1123:22, 1125:3<br/> <b>republished</b> [2] - 1166:23, 1166:24<br/> <b>request</b> [3] - 1235:14, 1249:25, 1251:8<br/> <b>requesting</b> [1] - 1242:14<br/> <b>required</b> [1] - 1129:24<br/> <b>requirement</b> [3] - 1083:7, 1083:18, 1089:9<br/> <b>requirements</b> [4] - 1083:10, 1083:12, 1083:14, 1106:13<br/> <b>research</b> [22] - 1122:18, 1124:6, 1127:18, 1129:25, 1130:22, 1154:13, 1154:16, 1157:14, 1187:13, 1192:10, 1192:11, 1192:14, 1194:22, 1197:24, 1200:4, 1208:13, 1208:19, 1211:17, 1211:25, 1212:10, 1216:25, 1242:3<br/> <b>researched</b> [1] - 1192:6<br/> <b>researcher</b> [1] - 1210:21<br/> <b>researches</b> [1] - 1122:14<br/> <b>researching</b> [1] - 1154:9<br/> <b>resisted</b> [1] - 1172:2<br/> <b>resources</b> [2] - 1122:17, 1171:17<br/> <b>respect</b> [4] - 1230:8, 1245:5, 1245:14, 1248:19<br/> <b>respond</b> [1] - 1148:10<br/> <b>response</b> [4] - 1119:19, 1119:22, 1119:25, 1120:7<br/> <b>responsibility</b> [9] - 1141:7, 1193:8, 1193:10, 1193:24, 1194:2, 1194:5, 1194:8, 1218:16, 1219:10<br/> <b>responsible</b> [1] - 1148:4<br/> <b>responsive</b> [1] - 1222:5<br/> <b>rest</b> [4] - 1105:9, 1203:14, 1203:19, 1214:22<br/> <b>result</b> [1] - 1148:22<br/> <b>resulting</b> [1] - 1112:3<br/> <b>resumes</b> [2] - 1166:9, 1185:7</p> | <p><b>retains</b> [1] - 1085:20<br/> <b>rethink</b> [1] - 1114:20<br/> <b>return</b> [3] - 1093:18, 1100:11, 1107:1<br/> <b>returned</b> [1] - 1113:15<br/> <b>review</b> [10] - 1085:12, 1086:4, 1123:6, 1155:7, 1168:24, 1224:12, 1227:11, 1227:14, 1231:8, 1241:18<br/> <b>reviewed</b> [3] - 1084:2, 1167:2, 1167:17<br/> <b>RICHARD</b> [1] - 1080:16<br/> <b>ride</b> [1] - 1105:9<br/> <b>rise</b> [3] - 1184:17, 1185:4, 1185:9<br/> <b>road</b> [2] - 1137:16, 1210:2<br/> <b>roam</b> [2] - 1115:21, 1115:23<br/> <b>rock</b> [1] - 1241:6<br/> <b>rock-hard</b> [1] - 1241:6<br/> <b>Rockies</b> [1] - 1096:25<br/> <b>ROHDE</b> [1] - 1080:13<br/> <b>role</b> [5] - 1108:9, 1112:13, 1112:25, 1173:2, 1244:12<br/> <b>round</b> [1] - 1253:8<br/> <b>route</b> [6] - 1149:8, 1151:14, 1152:5, 1152:10, 1152:11, 1155:16<br/> <b>routes</b> [2] - 1152:20, 1152:23<br/> <b>routine</b> [2] - 1093:1, 1093:6<br/> <b>routinely</b> [1] - 1218:8<br/> <b>RUHNKE</b> [40] - 1080:21, 1080:23, 1081:6, 1085:7, 1086:3, 1086:19, 1087:10, 1088:6, 1088:15, 1089:3, 1089:10, 1089:24, 1090:3, 1090:8, 1090:12, 1090:16, 1091:7, 1092:4, 1092:7, 1106:1, 1109:17, 1115:11, 1120:3, 1120:21, 1249:15, 1252:9, 1252:12, 1253:10, 1254:5, 1254:12, 1255:9, 1256:16, 1257:4, 1258:1, 1258:5, 1258:13, 1258:20, 1259:3, 1259:16, 1260:3<br/> <b>Ruhnke</b> [4] - 1081:24, 1083:5, 1115:18, 1257:24<br/> <b>rule</b> [1] - 1139:18<br/> <b>Rule</b> [6] - 1081:9, 1083:7, 1083:10, 1083:12, 1233:5, 1237:13<br/> <b>ruled</b> [2] - 1139:18, 1206:17<br/> <b>rulers</b> [1] - 1168:9<br/> <b>rules</b> [8] - 1138:13, 1138:14, 1138:16, 1138:20, 1141:1, 1141:6, 1141:7, 1141:9<br/> <b>ruling</b> [1] - 1085:5<br/> <b>rumors</b> [1] - 1179:14<br/> <b>running</b> [5] - 1111:22, 1135:24, 1137:18, 1137:22, 1224:25<br/> <b>rural</b> [1] - 1149:14<br/> <b>rush</b> [1] - 1113:21</p> | <p><b>sampling</b> [3] - 1255:15, 1256:12, 1258:24<br/> <b>sanctuary</b> [1] - 1149:2<br/> <b>SARITHA</b> [1] - 1080:17<br/> <b>satisfied</b> [1] - 1089:8<br/> <b>Saudi</b> [8] - 1131:10, 1135:13, 1147:9, 1188:21, 1188:24, 1226:10, 1226:11, 1226:13<br/> <b>saw</b> [12] - 1119:3, 1133:10, 1134:8, 1145:17, 1165:12, 1234:19, 1234:22, 1238:23, 1245:24, 1246:12, 1258:17<br/> <b>sayings</b> [1] - 1167:8<br/> <b>scale</b> [1] - 1193:20<br/> <b>scattered</b> [1] - 1149:3<br/> <b>scholar</b> [2] - 1192:8, 1226:14<br/> <b>scholars</b> [1] - 1138:12<br/> <b>School</b> [4] - 1126:4, 1128:1, 1128:2, 1128:4<br/> <b>school</b> [8] - 1186:5, 1186:6, 1186:7, 1186:9, 1186:11, 1186:17, 1230:6<br/> <b>schools</b> [1] - 1142:13<br/> <b>science</b> [6] - 1083:15, 1083:17, 1083:20, 1083:22, 1083:25<br/> <b>scope</b> [1] - 1152:3<br/> <b>screen</b> [8] - 1088:9, 1088:10, 1092:4, 1137:6, 1137:12, 1203:3, 1257:12, 1257:14<br/> <b>scrutiny</b> [1] - 1223:16<br/> <b>se</b> [1] - 1158:20<br/> <b>seal</b> [2] - 1085:13, 1085:15<br/> <b>SEAN</b> [1] - 1080:19<br/> <b>search</b> [1] - 1102:6<br/> <b>seatbelt</b> [1] - 1241:12<br/> <b>seated</b> [6] - 1087:7, 1121:13, 1166:11, 1185:11, 1232:15, 1236:21<br/> <b>second</b> [15] - 1142:16, 1159:11, 1162:9, 1176:17, 1189:1, 1200:15, 1201:17, 1216:5, 1216:12, 1224:5, 1241:4, 1245:15, 1245:16, 1245:21, 1246:5<br/> <b>secondary</b> [2] - 1167:7, 1167:11<br/> <b>secret</b> [1] - 1177:19<br/> <b>section</b> [1] - 1244:8<br/> <b>sects</b> [1] - 1133:21<br/> <b>secure</b> [2] - 1081:3, 1097:16<br/> <b>security</b> [7] - 1096:17, 1126:7, 1126:8, 1126:10, 1127:8, 1155:16, 1160:8<br/> <b>Security</b> [2] - 1123:25, 1229:14<br/> <b>see</b> [24] - 1083:6, 1084:18, 1084:19, 1088:9, 1092:8, 1092:10, 1121:3, 1137:6, 1143:19, 1146:16, 1165:22, 1166:4, 1184:16, 1203:3, 1211:13, 1233:16, 1234:6, 1246:25, 1251:10, 1253:6, 1255:2, 1255:5, 1256:5, 1259:9<br/> <b>seeing</b> [1] - 1213:3<br/> <b>seek</b> [1] - 1125:7<br/> <b>seeking</b> [4] - 1146:3, 1146:6, 1215:2, 1219:4<br/> <b>seeks</b> [3] - 1158:12, 1161:17, 1161:20<br/> <b>sees</b> [6] - 1134:8, 1161:15, 1165:12, 1173:6, 1198:13, 1210:7</p> |
| <b>S</b>  |  |   |
| <p><b>Sahab</b> [7] - 1163:23, 1163:25, 1164:4, 1164:5, 1164:10, 1164:14, 1164:16<br/> <b>Sahara</b> [1] - 1158:8<br/> <b>sake</b> [1] - 1258:9<br/> <b>Salaam</b> [1] - 1147:22<br/> <b>sample</b> [1] - 1259:11</p>   |  |   |

|   |   |   |
|---|---|---|
| <p><b>selection</b> [1] - 1082:8</p> <p><b>Senate</b> [1] - 1123:23</p> <p><b>send</b> [4] - 1161:21, 1223:22, 1240:4, 1241:3</p> <p><b>sending</b> [4] - 1158:15, 1164:20, 1174:20, 1258:18</p> <p><b>sends</b> [1] - 1173:14</p> <p><b>senior</b> [2] - 1140:18, 1216:20</p> <p><b>sense</b> [3] - 1082:1, 1082:4, 1083:6</p> <p><b>sent</b> [8] - 1119:18, 1119:21, 1171:17, 1171:18, 1254:21, 1254:22, 1256:3, 1257:13</p> <p><b>sentence</b> [7] - 1089:12, 1089:19, 1090:22, 1098:23, 1116:6, 1116:14, 1120:12</p> <p><b>sentenced</b> [12] - 1087:17, 1087:21, 1087:25, 1092:20, 1092:21, 1096:17, 1098:1, 1098:12, 1098:13, 1116:11, 1119:13, 1120:10</p> <p><b>sentencing</b> [2] - 1097:24, 1098:3</p> <p><b>separate</b> [1] - 1195:8</p> <p><b>SEPTEMBER</b> [1] - 1080:7</p> <p><b>September</b> [7] - 1125:11, 1148:5, 1148:9, 1207:5, 1207:6, 1257:1, 1259:20</p> <p><b>series</b> [7] - 1136:1, 1176:18, 1217:18, 1224:3, 1254:14, 1257:12</p> <p><b>serious</b> [1] - 1108:24</p> <p><b>sermons</b> [5] - 1103:7, 1103:10, 1103:23, 1201:5, 1201:19</p> <p><b>served</b> [5] - 1087:18, 1087:21, 1090:17, 1098:13, 1116:7</p> <p><b>servicemen</b> [1] - 1171:13</p> <p><b>services</b> [1] - 1230:21</p> <p><b>SESSION</b> [2] - 1184:24, 1185:1</p> <p><b>set</b> [2] - 1208:8, 1224:11</p> <p><b>sets</b> [2] - 1138:13, 1141:1</p> <p><b>setting</b> [2] - 1127:1, 1211:18</p> <p><b>settled</b> [3] - 1113:16, 1113:19, 1113:21</p> <p><b>seven</b> [15] - 1087:25, 1090:7, 1090:23, 1091:3, 1091:5, 1098:7, 1098:14, 1098:18, 1098:23, 1099:1, 1105:2, 1105:6, 1119:10, 1119:13, 1129:10</p> <p><b>seven-year</b> [3] - 1090:23, 1098:23, 1105:6</p> <p><b>seventeen</b> [1] - 1125:19</p> <p><b>several</b> [4] - 1123:22, 1130:13, 1131:24, 1138:1</p> <p><b>shadow</b> [1] - 1111:22</p> <p><b>Shah</b> [1] - 1107:10</p> <p><b>Sham</b> [4] - 1159:24, 1159:25, 1197:10, 1220:8</p> <p><b>Shami</b> [15] - 1159:23, 1159:24, 1197:3, 1197:7, 1197:8, 1197:9, 1212:10, 1212:12, 1213:7, 1213:9, 1214:10, 1214:18, 1216:23, 1217:2, 1220:4</p> <p><b>shared</b> [2] - 1158:3, 1187:19</p> <p><b>Sharia</b> [3] - 1134:22, 1143:22, 1206:17</p> <p><b>Sheikh</b> [1] - 1149:10</p> <p><b>Shia</b> [1] - 1133:22</p> <p><b>short</b> [4] - 1172:17, 1225:8, 1255:15,</p> | <p>1256:14</p> <p><b>shorter</b> [1] - 1251:25</p> <p><b>shortly</b> [1] - 1245:6</p> <p><b>shots</b> [2] - 1257:12, 1257:14</p> <p><b>Shoudeywa</b> [1] - 1244:12</p> <p><b>show</b> [19] - 1091:2, 1091:4, 1101:22, 1137:2, 1137:8, 1150:2, 1174:3, 1203:18, 1203:19, 1213:19, 1214:2, 1214:9, 1218:18, 1218:19, 1230:24, 1234:14, 1237:1, 1259:2</p> <p><b>showed</b> [1] - 1156:17</p> <p><b>shower</b> [1] - 1097:7</p> <p><b>showing</b> [10] - 1146:14, 1174:6, 1174:11, 1202:16, 1206:8, 1237:21, 1238:14, 1248:5, 1258:14, 1259:4</p> <p><b>Showing</b> [2] - 1203:2, 1216:3</p> <p><b>shown</b> [1] - 1248:15</p> <p><b>shows</b> [2] - 1090:3, 1246:8</p> <p><b>Shura</b> [2] - 1140:17, 1196:23</p> <p><b>SHURA</b> [1] - 1140:17</p> <p><b>shuttle</b> [2] - 1101:8, 1101:9</p> <p><b>Side</b> [2] - 1179:1, 1180:15</p> <p><b>side</b> [9] - 1128:25, 1135:25, 1190:11, 1211:13, 1234:7, 1234:8, 1240:5, 1241:5, 1241:7</p> <p><b>Side-bar</b> [2] - 1179:1, 1180:15</p> <p><b>sidebar</b> [14] - 1088:18, 1089:1, 1091:8, 1151:17, 1152:1, 1154:1, 1178:12, 1212:19, 1213:1, 1222:1, 1223:1, 1239:22, 1240:1, 1240:7</p> <p><b>Sidebar</b> [5] - 1088:20, 1178:15, 1216:1, 1221:22, 1239:24</p> <p><b>signed</b> [3] - 1089:11, 1098:4, 1238:17</p> <p><b>significance</b> [2] - 1139:9, 1173:5</p> <p><b>significant</b> [1] - 1213:5</p> <p><b>similar</b> [4] - 1090:19, 1125:12, 1157:23, 1209:6</p> <p><b>similarities</b> [2] - 1143:15, 1243:1</p> <p><b>similarly</b> [1] - 1245:15</p> <p><b>simply</b> [4] - 1084:15, 1085:3, 1156:13, 1258:15</p> <p><b>sin</b> [1] - 1168:19</p> <p><b>single</b> [3] - 1084:8, 1141:3, 1209:12</p> <p><b>Sisters</b> [1] - 1204:14</p> <p><b>sit</b> [5] - 1100:3, 1104:25, 1105:5, 1120:15, 1217:7</p> <p><b>sitting</b> [5] - 1087:15, 1088:3, 1089:17, 1092:13, 1092:15</p> <p><b>situation</b> [2] - 1092:24, 1104:8</p> <p><b>six</b> [16] - 1087:25, 1090:7, 1090:22, 1091:3, 1091:5, 1098:6, 1098:14, 1098:18, 1098:22, 1099:1, 1105:2, 1105:6, 1119:6, 1119:10, 1119:13, 1177:25</p> <p><b>Sixth</b> [1] - 1090:4</p> <p><b>smacks</b> [1] - 1234:12</p> <p><b>small</b> [10] - 1081:23, 1123:8, 1133:1, 1148:15, 1172:6, 1172:10, 1195:11, 1196:19, 1218:24, 1245:2</p> <p><b>smaller</b> [1] - 1147:10</p> <p><b>smoking</b> [1] - 1138:5</p> | <p><b>snacks</b> [1] - 1095:4</p> <p><b>soccer</b> [1] - 1093:25</p> <p><b>social</b> [5] - 1083:15, 1083:22, 1083:25, 1095:15, 1123:9</p> <p><b>socialize</b> [2] - 1094:7, 1097:13</p> <p><b>societies</b> [1] - 1139:17</p> <p><b>society</b> [12] - 1100:12, 1105:10, 1139:21, 1144:4, 1145:20, 1168:14, 1206:12, 1206:16, 1206:17, 1220:20, 1221:12</p> <p><b>socioeconomic</b> [1] - 1209:14</p> <p><b>soil</b> [1] - 1148:5</p> <p><b>sold</b> [2] - 1171:15, 1177:1</p> <p><b>soldiers</b> [4] - 1109:24, 1171:22, 1172:17, 1172:20</p> <p><b>solution</b> [2] - 1169:10, 1225:9</p> <p><b>Somali</b> [1] - 1173:11</p> <p><b>someone</b> [15] - 1151:10, 1151:14, 1173:16, 1174:14, 1193:2, 1195:8, 1197:9, 1197:16, 1201:18, 1209:1, 1209:21, 1210:18, 1211:11, 1213:20, 1223:16</p> <p><b>sometimes</b> [11] - 1096:24, 1155:15, 1188:5, 1191:24, 1196:3, 1196:9, 1201:7, 1201:10, 1201:12, 1201:15</p> <p><b>somewhat</b> [3] - 1138:16, 1142:17, 1156:19</p> <p><b>son</b> [3] - 1159:12, 1161:5, 1174:21</p> <p><b>sorry</b> [4] - 1100:9, 1102:1, 1150:4, 1230:3</p> <p><b>sort</b> [25] - 1124:1, 1124:9, 1126:21, 1129:17, 1130:16, 1130:21, 1134:6, 1135:13, 1135:17, 1135:23, 1138:6, 1141:18, 1143:17, 1150:12, 1150:21, 1156:16, 1156:18, 1164:20, 1199:17, 1210:11, 1219:7, 1219:23, 1220:9, 1249:24, 1251:16</p> <p><b>sorts</b> [1] - 1209:13</p> <p><b>sought</b> [3] - 1162:19, 1163:5, 1219:7</p> <p><b>sound</b> [2] - 1084:7, 1190:18</p> <p><b>sounds</b> [1] - 1204:13</p> <p><b>source</b> [4] - 1167:7, 1167:11, 1167:12, 1167:14</p> <p><b>sources</b> [6] - 1103:17, 1122:19, 1122:20, 1123:4, 1178:2, 1188:5</p> <p><b>South</b> [1] - 1158:11</p> <p><b>Southeast</b> [1] - 1130:4</p> <p><b>southern</b> [1] - 1175:16</p> <p><b>soviet</b> [1] - 1142:20</p> <p><b>Soviet</b> [11] - 1133:3, 1133:8, 1133:10, 1133:12, 1133:13, 1133:18, 1134:3, 1142:10, 1143:5, 1144:10, 1144:12</p> <p><b>Soviets</b> [5] - 1134:15, 1135:15, 1142:9, 1143:1, 1143:3</p> <p><b>sow</b> [1] - 1214:7</p> <p><b>speaker</b> [5] - 1175:16, 1178:2, 1224:18, 1229:22, 1237:9</p> <p><b>speakers</b> [1] - 1175:11</p> <p><b>speaking</b> [2] - 1176:1, 1199:9</p> <p><b>special</b> [1] - 1148:15</p> <p><b>specialists</b> [1] - 1221:3</p> |
|---|---|---|

|  |   |   |
|--|---|---|
| <p><b>specialy</b> [1] - 1128:16</p> <p><b>specific</b> [13] - 1112:22, 1140:22, 1144:14, 1147:13, 1152:20, 1174:23, 1226:7, 1239:1, 1247:5, 1247:16, 1250:23, 1253:13, 1256:23</p> <p><b>specifically</b> [10] - 1145:5, 1155:3, 1170:23, 1171:3, 1183:1, 1186:20, 1192:7, 1208:1, 1257:21</p> <p><b>specifics</b> [2] - 1113:8, 1157:9</p> <p><b>speculation</b> [1] - 1152:4</p> <p><b>speech</b> [3] - 1164:4, 1211:23</p> <p><b>spell</b> [2] - 1121:19, 1228:4</p> <p><b>spelled</b> [1] - 1214:12</p> <p><b>spend</b> [1] - 1235:23</p> <p><b>spin</b> [1] - 1164:8</p> <p><b>spinoff</b> [1] - 1157:21</p> <p><b>spirit</b> [1] - 1165:14</p> <p><b>spite</b> [1] - 1099:23</p> <p><b>spokesperson</b> [1] - 1175:17</p> <p><b>sports</b> [2] - 1093:24, 1094:18</p> <p><b>spread</b> [1] - 1179:15</p> <p><b>square</b> [1] - 1191:25</p> <p><b>Square</b> [1] - 1111:2</p> <p><b>staffers</b> [1] - 1124:24</p> <p><b>staged</b> [1] - 1112:9</p> <p><b>stand</b> [3] - 1089:17, 1166:9, 1185:7</p> <p><b>stands</b> [1] - 1099:4</p> <p><b>start</b> [6] - 1139:3, 1139:7, 1152:20, 1209:23, 1210:9, 1210:12</p> <p><b>started</b> [18] - 1100:16, 1128:17, 1142:10, 1143:13, 1148:13, 1148:15, 1148:16, 1156:17, 1163:14, 1163:23, 1175:14, 1182:11, 1190:23, 1201:2, 1201:18, 1201:19, 1202:2, 1218:24</p> <p><b>starting</b> [4] - 1129:20, 1141:20, 1201:17, 1232:22</p> <p><b>State</b> [3] - 1124:4, 1124:8, 1124:11</p> <p><b>state</b> [12] - 1089:12, 1090:13, 1090:15, 1091:5, 1121:19, 1126:12, 1172:16, 1180:5, 1180:6, 1180:8, 1221:20, 1228:4</p> <p><b>statement</b> [6] - 1089:7, 1089:11, 1111:18, 1111:21, 1187:7</p> <p><b>statements</b> [9] - 1089:18, 1099:3, 1164:2, 1244:1, 1244:6, 1245:9, 1248:10, 1248:12, 1248:14</p> <p><b>states</b> [3] - 1126:12, 1134:11, 1134:19</p> <p><b>STATES</b> [4] - 1080:1, 1080:3, 1080:5, 1080:11</p> <p><b>States</b> [60] - 1080:14, 1080:18, 1097:17, 1099:5, 1100:11, 1105:1, 1108:21, 1111:18, 1111:23, 1113:16, 1115:23, 1120:18, 1122:16, 1124:2, 1124:3, 1124:9, 1128:5, 1131:23, 1132:4, 1144:15, 1144:17, 1144:19, 1144:20, 1145:1, 1145:5, 1145:18, 1145:23, 1145:25, 1146:6, 1146:7, 1147:14, 1147:16, 1148:10, 1148:13, 1170:13, 1170:15, 1170:18, 1176:10, 1176:11, 1176:17, 1178:9, 1179:23, 1181:4, 1181:6, 1182:17, 1186:7, 1186:16,</p> | <p>1198:21, 1200:6, 1200:10, 1206:24, 1219:21, 1219:22, 1219:25, 1221:17, 1223:9, 1223:20, 1224:16, 1230:12</p> <p><b>stationed</b> [1] - 1145:12</p> <p><b>status</b> [1] - 1174:4</p> <p><b>stay</b> [2] - 1224:1, 1241:18</p> <p><b>step</b> [3] - 1227:23, 1239:18, 1250:17</p> <p><b>still</b> [20] - 1092:15, 1120:16, 1120:18, 1128:25, 1134:8, 1140:16, 1148:18, 1149:3, 1151:2, 1156:21, 1156:23, 1159:20, 1165:12, 1177:1, 1177:24, 1181:17, 1241:24, 1245:7, 1246:18, 1247:6</p> <p><b>stimuli</b> [1] - 1210:18</p> <p><b>stipulation</b> [1] - 1231:4</p> <p><b>Stock</b> [1] - 1111:3</p> <p><b>stop</b> [3] - 1111:19, 1227:5, 1232:15</p> <p><b>stopped</b> [1] - 1102:4</p> <p><b>stops</b> [1] - 1225:8</p> <p><b>stories</b> [1] - 1167:8</p> <p><b>straight</b> [2] - 1186:9, 1233:19</p> <p><b>straighten</b> [1] - 1233:22</p> <p><b>straightforward</b> [1] - 1083:3</p> <p><b>strategical</b> [1] - 1140:19</p> <p><b>strategy</b> [1] - 1213:24</p> <p><b>street</b> [1] - 1158:18</p> <p><b>Street</b> [1] - 1080:22</p> <p><b>strength</b> [1] - 1145:22</p> <p><b>stress</b> [1] - 1096:12</p> <p><b>strict</b> [4] - 1134:10, 1139:18, 1143:20, 1143:22</p> <p><b>strike</b> [4] - 1109:5, 1109:7, 1109:11, 1156:14</p> <p><b>striking</b> [1] - 1218:20</p> <p><b>strong</b> [6] - 1082:9, 1144:17, 1162:3, 1164:21, 1164:24, 1210:7</p> <p><b>stronger</b> [3] - 1172:6, 1175:1, 1245:16</p> <p><b>strongly</b> [1] - 1133:17</p> <p><b>structured</b> [2] - 1140:14, 1141:4</p> <p><b>structures</b> [1] - 1188:1</p> <p><b>struggle</b> [6] - 1082:20, 1134:17, 1137:25, 1138:3, 1182:15, 1226:17</p> <p><b>student</b> [3] - 1106:10, 1117:13, 1117:24</p> <p><b>students</b> [3] - 1142:6, 1142:13, 1191:25</p> <p><b>studied</b> [5] - 1125:18, 1154:20, 1155:22, 1167:14, 1227:7</p> <p><b>studies</b> [8] - 1126:7, 1126:8, 1126:10, 1126:11, 1126:16, 1127:8, 1128:13, 1152:5</p> <p><b>Studies</b> [2] - 1125:10, 1128:1</p> <p><b>study</b> [7] - 1126:15, 1154:13, 1154:16, 1155:7, 1157:15, 1172:23, 1208:16</p> <p><b>studying</b> [1] - 1154:9</p> <p><b>stuff</b> [1] - 1116:23</p> <p><b>subcommittee</b> [3] - 1140:22, 1140:23, 1140:24</p> <p><b>subcommittees</b> [1] - 1140:21</p> <p><b>subcontinent</b> [2] - 1158:12, 1189:11</p> <p><b>subject</b> [4] - 1129:17, 1131:25, 1132:2, 1242:22</p> <p><b>subjects</b> [2] - 1128:12, 1132:6</p> | <p><b>submits</b> [1] - 1243:8</p> <p><b>submitted</b> [1] - 1243:13</p> <p><b>subset</b> [2] - 1171:10, 1255:14</p> <p><b>substance</b> [2] - 1249:10, 1249:19</p> <p><b>subway</b> [6] - 1100:19, 1101:1, 1113:15, 1113:16, 1114:15, 1114:21</p> <p><b>subways</b> [4] - 1100:21, 1105:9, 1111:4, 1247:4</p> <p><b>succeed</b> [1] - 1082:15</p> <p><b>success</b> [2] - 1172:5, 1177:19</p> <p><b>succumb</b> [1] - 1081:19</p> <p><b>succumbed</b> [1] - 1081:22</p> <p><b>Sudan</b> [2] - 1143:9, 1143:11</p> <p><b>suffering</b> [2] - 1169:24, 1170:10</p> <p><b>suffice</b> [1] - 1086:5</p> <p><b>sufficient</b> [6] - 1243:8, 1243:14, 1248:5, 1248:13, 1259:4, 1259:11</p> <p><b>suggest</b> [1] - 1254:7</p> <p><b>suggested</b> [1] - 1214:15</p> <p><b>suggesting</b> [2] - 1111:4, 1225:9</p> <p><b>suggestions</b> [1] - 1249:3</p> <p><b>suggests</b> [1] - 1254:13</p> <p><b>suicide</b> [3] - 1100:20, 1112:23, 1113:8</p> <p><b>Suite</b> [1] - 1080:20</p> <p><b>summaries</b> [4] - 1256:19, 1257:4, 1257:22, 1258:7</p> <p><b>summarize</b> [3] - 1255:24, 1256:7, 1256:17</p> <p><b>summarizing</b> [1] - 1258:3</p> <p><b>summary</b> [1] - 1256:25</p> <p><b>summer</b> [1] - 1133:1</p> <p><b>sun</b> [5] - 1211:5, 1211:6, 1211:8, 1211:13</p> <p><b>Sunday</b> [1] - 1252:14</p> <p><b>Sunni</b> [5] - 1133:17, 1133:19, 1133:22, 1133:23</p> <p><b>Sunnis</b> [1] - 1134:1</p> <p><b>super</b> [1] - 1134:16</p> <p><b>supermarket</b> [2] - 1101:25, 1102:2</p> <p><b>Supermax</b> [1] - 1096:24</p> <p><b>supplement</b> [1] - 1095:3</p> <p><b>support</b> [7] - 1145:15, 1145:16, 1145:19, 1145:23, 1146:1, 1146:10, 1174:18</p> <p><b>supporters</b> [1] - 1188:23</p> <p><b>supporting</b> [1] - 1148:16</p> <p><b>supports</b> [2] - 1143:19, 1248:9</p> <p><b>supposed</b> [1] - 1141:18</p> <p><b>suppress</b> [1] - 1169:10</p> <p><b>surprised</b> [1] - 1236:3</p> <p><b>surrounding</b> [1] - 1083:24</p> <p><b>survived</b> [1] - 1114:16</p> <p><b>susceptible</b> [1] - 1183:21</p> <p><b>suspects</b> [2] - 1122:21, 1130:14</p> <p><b>suspicion</b> [1] - 1173:18</p> <p><b>swear</b> [2] - 1199:15, 1199:19</p> <p><b>Swiss</b> [2] - 1128:23, 1129:4</p> <p><b>Switzerland</b> [2] - 1129:4, 1129:6</p> <p><b>sworn</b> [4] - 1087:3, 1121:18, 1122:3, 1229:3</p> <p><b>sworn/affirmed</b> [1] - 1228:3</p> |
|--|---|---|



|  |  |   |
|--|--|---|
| <p><b>sympathize</b> [1] - 1123:10</p> <p><b>sympathizers</b> [2] - 1190:13, 1219:8</p> <p><b>Syria</b> [2] - 1160:1, 1220:10</p> <p><b>system</b> [6] - 1097:17, 1102:21, 1113:16, 1233:14, 1235:21</p> | <p><b>Terrorism</b> [1] - 1127:25</p> <p><b>terrorist</b> [9] - 1083:24, 1104:18, 1132:10, 1154:11, 1189:17, 1206:24, 1208:3, 1221:15, 1225:1</p> <p><b>testified</b> [31] - 1087:3, 1090:16, 1099:19, 1122:3, 1131:23, 1132:3, 1132:5, 1132:9, 1185:18, 1187:19, 1189:11, 1189:14, 1191:4, 1192:7, 1193:7, 1193:20, 1194:10, 1195:18, 1198:4, 1198:12, 1199:10, 1200:4, 1204:19, 1205:19, 1205:21, 1206:1, 1207:8, 1229:3, 1244:10, 1244:12, 1256:9</p> <p><b>testify</b> [10] - 1083:2, 1119:15, 1124:24, 1132:16, 1157:8, 1231:15, 1237:15, 1253:13, 1254:25, 1256:22</p> <p><b>testifying</b> [4] - 1112:16, 1157:14, 1218:12, 1234:23</p> <p><b>testimony</b> [30] - 1081:8, 1083:8, 1083:23, 1084:10, 1086:10, 1087:13, 1099:23, 1100:19, 1131:25, 1142:18, 1147:4, 1152:10, 1179:12, 1179:20, 1179:24, 1183:11, 1188:10, 1200:17, 1217:23, 1218:11, 1224:4, 1234:16, 1242:25, 1243:4, 1244:15, 1244:16, 1247:8, 1248:22, 1249:13, 1250:10</p> <p><b>text</b> [1] - 1168:2</p> <p><b>texts</b> [6] - 1135:3, 1167:2, 1167:24, 1178:3, 1178:5, 1182:12</p> <p><b>THE</b> [156] - 1080:11, 1081:2, 1081:7, 1085:13, 1085:23, 1086:7, 1086:13, 1086:21, 1087:4, 1087:7, 1088:8, 1088:16, 1088:19, 1089:4, 1089:20, 1090:1, 1090:5, 1090:10, 1090:15, 1090:24, 1091:1, 1092:2, 1092:6, 1109:16, 1115:12, 1120:5, 1121:1, 1121:6, 1121:10, 1121:13, 1121:17, 1121:19, 1121:21, 1121:23, 1132:16, 1146:25, 1151:17, 1152:8, 1152:13, 1152:22, 1155:11, 1165:1, 1165:4, 1165:20, 1165:25, 1166:4, 1166:8, 1166:11, 1178:14, 1179:17, 1180:2, 1180:6, 1180:11, 1184:1, 1184:4, 1184:8, 1184:10, 1184:12, 1184:13, 1184:17, 1184:20, 1185:4, 1185:5, 1185:8, 1185:9, 1185:11, 1203:14, 1203:16, 1203:18, 1203:24, 1212:16, 1212:20, 1213:10, 1213:18, 1213:23, 1214:8, 1214:14, 1214:21, 1215:1, 1217:10, 1217:12, 1217:15, 1221:20, 1221:22, 1222:5, 1227:19, 1227:23, 1227:25, 1228:4, 1228:6, 1228:8, 1231:1, 1231:6, 1231:20, 1231:22, 1232:5, 1232:7, 1232:11, 1232:15, 1232:20, 1233:9, 1233:12, 1233:16, 1233:21, 1234:3, 1234:20, 1235:2, 1235:4, 1235:13, 1236:2, 1236:10, 1236:16, 1236:21, 1237:15, 1238:9, 1238:11, 1239:16, 1239:18, 1239:20, 1239:23, 1240:4, 1241:2, 1242:10, 1243:9, 1243:12, 1244:25, 1245:25, 1246:15, 1248:2, 1249:6, 1249:18,</p> | <p>1250:6, 1251:7, 1251:17, 1251:19, 1252:4, 1252:11, 1252:13, 1253:6, 1253:18, 1254:9, 1254:18, 1255:8, 1255:11, 1255:20, 1256:2, 1256:14, 1257:2, 1257:24, 1258:3, 1258:9, 1258:12, 1258:18, 1258:23, 1259:9, 1259:17</p> <p><b>theme</b> [1] - 1204:13</p> <p><b>themes</b> [5] - 1166:25, 1168:25, 1171:10, 1224:13, 1226:5</p> <p><b>themselves</b> [3] - 1142:11, 1197:7, 1244:20</p> <p><b>theologians'</b> [1] - 1144:23</p> <p><b>theology</b> [2] - 1138:24, 1172:9</p> <p><b>theoretical</b> [1] - 1226:25</p> <p><b>therefore</b> [3] - 1082:16, 1138:22, 1218:20</p> <p><b>thesis</b> [3] - 1126:18, 1127:4, 1129:8</p> <p><b>they've</b> [2] - 1095:10, 1150:22</p> <p><b>thinking</b> [7] - 1082:5, 1085:3, 1144:13, 1151:9, 1181:24, 1226:8, 1236:4</p> <p><b>Thinking</b> [2] - 1142:18, 1155:2</p> <p><b>thinks</b> [2] - 1100:6, 1246:12</p> <p><b>third</b> [2] - 1102:13, 1207:24</p> <p><b>thirdly</b> [1] - 1150:18</p> <p><b>thousands</b> [1] - 1110:7</p> <p><b>three</b> [25] - 1094:25, 1095:1, 1100:23, 1101:1, 1107:2, 1107:4, 1107:21, 1107:22, 1108:24, 1110:11, 1128:24, 1135:17, 1186:10, 1186:17, 1244:13, 1245:2, 1245:6, 1245:8, 1245:10, 1245:19, 1246:17, 1248:16, 1250:14</p> <p><b>threshold</b> [4] - 1083:7, 1244:23, 1248:5, 1259:4</p> <p><b>throughout</b> [1] - 1188:25</p> <p><b>tickets</b> [1] - 1244:13</p> <p><b>ties</b> [1] - 1178:11</p> <p><b>timing</b> [1] - 1246:4</p> <p><b>title</b> [1] - 1224:21</p> <p><b>today</b> [16] - 1086:9, 1100:3, 1103:20, 1104:25, 1120:15, 1134:12, 1139:2, 1139:25, 1157:9, 1168:17, 1177:24, 1231:9, 1240:3, 1241:4, 1249:24, 1256:9</p> <p><b>today's</b> [3] - 1135:9, 1168:14, 1168:20</p> <p><b>together</b> [14] - 1130:22, 1130:23, 1142:13, 1142:14, 1142:23, 1143:14, 1143:22, 1148:21, 1244:14, 1244:16, 1244:17, 1245:8, 1247:15, 1248:14</p> <p><b>toilet</b> [2] - 1097:7, 1103:1</p> <p><b>took</b> [11] - 1089:1, 1101:22, 1104:16, 1114:25, 1128:3, 1166:15, 1193:24, 1194:2, 1194:5, 1240:1, 1246:24</p> <p><b>tools</b> [1] - 1171:13</p> <p><b>top</b> [6] - 1134:25, 1137:11, 1161:3, 1196:22, 1235:18, 1257:18</p> <p><b>topic</b> [5] - 1112:23, 1126:20, 1127:13, 1128:18, 1243:24</p> <p><b>topics</b> [7] - 1124:12, 1124:14, 1125:18, 1164:2, 1166:22, 1202:4, 1202:11</p> <p><b>topple</b> [3] - 1134:18, 1146:2, 1146:3</p> |
|--|--|---|

|   |  |  |
|---|--|--|
| <p><b>topped</b> <sup>[1]</sup> - 1145:21<br/> <b>total</b> <sup>[1]</sup> - 1132:22<br/> <b>totally</b> <sup>[1]</sup> - 1213:16<br/> <b>touch</b> <sup>[2]</sup> - 1118:13, 1241:21<br/> <b>touched</b> <sup>[1]</sup> - 1166:22<br/> <b>towards</b> <sup>[1]</sup> - 1196:11<br/> <b>town</b> <sup>[1]</sup> - 1107:10<br/> <b>traces</b> <sup>[1]</sup> - 1129:17<br/> <b>trade</b> <sup>[1]</sup> - 1251:15<br/> <b>Trade</b> <sup>[1]</sup> - 1112:1<br/> <b>traded</b> <sup>[1]</sup> - 1257:22<br/> <b>traditionally</b> <sup>[1]</sup> - 1168:6<br/> <b>traffic</b> <sup>[1]</sup> - 1254:4<br/> <b>train</b> <sup>[2]</sup> - 1172:17, 1172:20<br/> <b>trained</b> <sup>[1]</sup> - 1147:17<br/> <b>training</b> <sup>[22]</sup> - 1107:9, 1107:20, 1123:23, 1135:24, 1136:1, 1137:9, 1137:18, 1137:23, 1141:14, 1141:16, 1141:21, 1141:24, 1151:6, 1161:12, 1185:22, 1187:15, 1187:17, 1221:2, 1230:8, 1230:11, 1247:2<br/> <b>Training</b> <sup>[1]</sup> - 1141:15<br/> <b>trains</b> <sup>[1]</sup> - 1161:16<br/> <b>trajectories</b> <sup>[1]</sup> - 1208:10<br/> <b>transcript</b> <sup>[11]</sup> - 1249:1, 1249:8, 1249:10, 1249:15, 1249:20, 1249:25, 1250:4, 1250:14, 1250:18, 1250:23, 1251:14<br/> <b>TRANSCRIPT</b> <sup>[1]</sup> - 1080:10<br/> <b>transcriptions</b> <sup>[1]</sup> - 1242:20<br/> <b>transcripts</b> <sup>[2]</sup> - 1176:24, 1250:2<br/> <b>transition</b> <sup>[1]</sup> - 1182:20<br/> <b>translate</b> <sup>[3]</sup> - 1117:21, 1234:14, 1238:24<br/> <b>translated</b> <sup>[5]</sup> - 1183:4, 1183:7, 1183:8, 1234:13, 1239:13<br/> <b>translates</b> <sup>[3]</sup> - 1205:14, 1226:17, 1227:1<br/> <b>translating</b> <sup>[2]</sup> - 1182:12, 1238:19<br/> <b>translation</b> <sup>[16]</sup> - 1144:8, 1205:8, 1205:10, 1205:12, 1226:9, 1226:19, 1229:19, 1230:9, 1230:21, 1237:18, 1237:25, 1238:4, 1238:15, 1238:18, 1238:21<br/> <b>translations</b> <sup>[2]</sup> - 1230:19, 1242:21<br/> <b>translator/interpreter</b> <sup>[1]</sup> - 1229:8<br/> <b>transliteration</b> <sup>[1]</sup> - 1226:12<br/> <b>transparent</b> <sup>[2]</sup> - 1255:21, 1258:6<br/> <b>travel</b> <sup>[9]</sup> - 1155:9, 1157:9, 1158:15, 1173:9, 1198:17, 1198:22, 1198:24, 1223:14, 1223:15<br/> <b>traveled</b> <sup>[3]</sup> - 1130:24, 1135:14, 1244:14<br/> <b>traveling</b> <sup>[2]</sup> - 1130:13, 1156:3<br/> <b>treated</b> <sup>[1]</sup> - 1249:16<br/> <b>tremendous</b> <sup>[1]</sup> - 1198:13<br/> <b>trend</b> <sup>[1]</sup> - 1154:25<br/> <b>trends</b> <sup>[6]</sup> - 1122:14, 1122:24, 1124:18, 1129:22, 1130:17, 1208:23<br/> <b>TRIAL</b> <sup>[1]</sup> - 1080:10<br/> <b>trial</b> <sup>[12]</sup> - 1082:22, 1086:15, 1119:15, 1213:15, 1241:23, 1241:24, 1241:25,</p> | <p>1242:1, 1242:2, 1250:25, 1251:5, 1251:15<br/> <b>trials</b> <sup>[1]</sup> - 1099:19<br/> <b>Tribal</b> <sup>[2]</sup> - 1107:16, 1149:19<br/> <b>tribe</b> <sup>[1]</sup> - 1200:8<br/> <b>tribes</b> <sup>[3]</sup> - 1107:17, 1150:12, 1172:2<br/> <b>tried</b> <sup>[6]</sup> - 1082:13, 1129:21, 1162:6, 1163:2, 1174:15<br/> <b>trigger</b> <sup>[1]</sup> - 1210:11<br/> <b>triggered</b> <sup>[1]</sup> - 1210:6<br/> <b>triggering</b> <sup>[1]</sup> - 1164:20<br/> <b>trip</b> <sup>[1]</sup> - 1118:8<br/> <b>troops</b> <sup>[2]</sup> - 1145:12, 1146:10<br/> <b>troubled</b> <sup>[1]</sup> - 1234:9<br/> <b>True</b> <sup>[2]</sup> - 1211:1, 1212:8<br/> <b>true</b> <sup>[14]</sup> - 1082:7, 1098:20, 1113:12, 1159:17, 1160:6, 1161:8, 1169:10, 1169:16, 1186:2, 1186:19, 1206:10, 1207:12, 1212:7, 1234:3<br/> <b>truth</b> <sup>[2]</sup> - 1098:11, 1195:22<br/> <b>try</b> <sup>[14]</sup> - 1102:20, 1104:1, 1122:19, 1122:22, 1122:23, 1122:24, 1139:20, 1164:24, 1179:12, 1179:21, 1203:21, 1252:13, 1253:3, 1258:12<br/> <b>trying</b> <sup>[6]</sup> - 1134:18, 1156:13, 1214:7, 1214:8, 1234:6, 1248:11<br/> <b>Tucker</b> <sup>[3]</sup> - 1232:8, 1233:23, 1250:24<br/> <b>TUCKER</b> <sup>[27]</sup> - 1080:16, 1086:8, 1203:23, 1212:19, 1213:11, 1213:21, 1214:24, 1215:3, 1232:2, 1232:6, 1232:9, 1232:17, 1232:21, 1234:9, 1236:1, 1239:21, 1240:3, 1240:6, 1242:11, 1243:22, 1248:19, 1249:21, 1249:23, 1251:16, 1251:18, 1251:21, 1259:14<br/> <b>tucker</b> <sup>[1]</sup> - 1233:6<br/> <b>Tucson</b> <sup>[2]</sup> - 1221:18, 1223:12<br/> <b>Tuesday</b> <sup>[4]</sup> - 1252:17, 1252:24, 1253:8<br/> <b>Tufts</b> <sup>[1]</sup> - 1126:5<br/> <b>Tunisi</b> <sup>[1]</sup> - 1159:14<br/> <b>Tunisia</b> <sup>[2]</sup> - 1131:8, 1159:13<br/> <b>Turkey</b> <sup>[1]</sup> - 1131:9<br/> <b>turn</b> <sup>[2]</sup> - 1104:16, 1216:4<br/> <b>turned</b> <sup>[3]</sup> - 1197:6, 1255:4, 1257:11<br/> <b>turning</b> <sup>[3]</sup> - 1144:3, 1152:12, 1211:23<br/> <b>Turning</b> <sup>[1]</sup> - 1148:9<br/> <b>TV</b> <sup>[1]</sup> - 1161:7<br/> <b>Tweeting</b> <sup>[1]</sup> - 1242:4<br/> <b>twelve</b> <sup>[1]</sup> - 1230:18<br/> <b>twice</b> <sup>[3]</sup> - 1104:12, 1104:13, 1111:12<br/> <b>twin</b> <sup>[2]</sup> - 1147:21, 1223:9<br/> <b>twist</b> <sup>[2]</sup> - 1139:10, 1210:8<br/> <b>Twitter</b> <sup>[1]</sup> - 1123:10<br/> <b>two</b> <sup>[18]</sup> - 1085:5, 1099:19, 1107:2, 1107:4, 1109:20, 1130:6, 1133:21, 1143:13, 1147:18, 1147:21, 1152:8, 1159:10, 1162:1, 1188:6, 1230:6, 1250:14, 1256:8, 1256:14<br/> <b>type</b> <sup>[2]</sup> - 1192:19, 1193:14<br/> <b>types</b> <sup>[2]</sup> - 1192:13, 1199:6</p> | <p><b>U</b><br/> <b>U.K</b> <sup>[4]</sup> - 1181:7, 1181:8, 1181:10, 1181:11<br/> <b>U.S</b> <sup>[22]</sup> - 1090:6, 1110:3, 1115:21, 1123:20, 1124:25, 1129:1, 1147:21, 1147:25, 1148:5, 1151:8, 1170:21, 1170:24, 1171:3, 1171:8, 1171:13, 1171:19, 1171:22, 1189:17, 1194:2, 1206:4, 1218:12, 1224:23<br/> <b>Uayiry</b> <sup>[1]</sup> - 1226:11<br/> <b>ubiquitous</b> <sup>[1]</sup> - 1214:10<br/> <b>ultimately</b> <sup>[1]</sup> - 1111:14<br/> <b>Umar</b> <sup>[1]</sup> - 1204:16<br/> <b>umbrella</b> <sup>[1]</sup> - 1158:1<br/> <b>Ummah</b> <sup>[3]</sup> - 1169:17, 1169:20, 1169:24<br/> <b>UMMAH</b> <sup>[1]</sup> - 1169:17<br/> <b>unclassified</b> <sup>[1]</sup> - 1085:17<br/> <b>unclear</b> <sup>[1]</sup> - 1253:17<br/> <b>uncommon</b> <sup>[1]</sup> - 1156:8<br/> <b>uncovered</b> <sup>[1]</sup> - 1115:2<br/> <b>under</b> <sup>[24]</sup> - 1083:7, 1085:13, 1085:15, 1089:21, 1089:22, 1096:10, 1113:10, 1116:4, 1138:14, 1138:21, 1139:5, 1148:20, 1157:25, 1169:3, 1178:10, 1179:7, 1186:8, 1186:13, 1193:8, 1193:10, 1206:19, 1220:8, 1224:20<br/> <b>under-grad</b> <sup>[2]</sup> - 1186:8, 1186:13<br/> <b>undercover</b> <sup>[1]</sup> - 1198:25<br/> <b>undergoes</b> <sup>[1]</sup> - 1183:16<br/> <b>undermine</b> <sup>[1]</sup> - 1170:10<br/> <b>understood</b> <sup>[1]</sup> - 1163:21<br/> <b>undertaken</b> <sup>[2]</sup> - 1083:24, 1196:1<br/> <b>unduly</b> <sup>[2]</sup> - 1081:20, 1083:9<br/> <b>unexpected</b> <sup>[1]</sup> - 1082:19<br/> <b>unfortunate</b> <sup>[1]</sup> - 1235:19<br/> <b>union</b> <sup>[2]</sup> - 1142:20, 1198:19<br/> <b>Union</b> <sup>[11]</sup> - 1133:3, 1133:8, 1133:10, 1133:12, 1133:13, 1133:18, 1134:3, 1142:10, 1143:5, 1144:10, 1144:12<br/> <b>unique</b> <sup>[2]</sup> - 1177:5, 1213:11<br/> <b>uniquely</b> <sup>[1]</sup> - 1256:9<br/> <b>unit</b> <sup>[3]</sup> - 1097:4, 1229:14<br/> <b>UNITED</b> <sup>[4]</sup> - 1080:1, 1080:3, 1080:5, 1080:11<br/> <b>United</b> <sup>[62]</sup> - 1080:14, 1080:18, 1097:17, 1099:5, 1100:11, 1105:1, 1108:21, 1111:18, 1111:23, 1113:16, 1115:23, 1120:18, 1122:15, 1124:2, 1124:3, 1124:8, 1128:5, 1131:10, 1131:23, 1132:4, 1144:14, 1144:17, 1144:19, 1144:20, 1145:1, 1145:5, 1145:18, 1145:23, 1145:25, 1146:6, 1146:7, 1147:10, 1147:14, 1147:16, 1148:10, 1148:13, 1170:13, 1170:15, 1170:18, 1176:10, 1176:11, 1176:17, 1178:9, 1179:23, 1181:4, 1181:6, 1182:17, 1186:7, 1186:16, 1198:21, 1200:6, 1200:10, 1206:24, 1219:21, 1219:22, 1219:25, 1221:17, 1223:9, 1223:20, 1224:16, 1230:12</p> |
|---|--|--|

|  |   |   |
|--|---|---|
| <p><b>University</b> [4] - 1122:12, 1126:2, 1126:5, 1128:4</p> <p><b>university</b> [1] - 1201:10</p> <p><b>unknown</b> [1] - 1219:6</p> <p><b>unless</b> [1] - 1251:14</p> <p><b>unlikely</b> [1] - 1219:12</p> <p><b>unreasonable</b> [1] - 1234:5</p> <p><b>up</b> [34] - 1085:6, 1087:18, 1096:21, 1099:20, 1100:5, 1109:14, 1116:2, 1116:17, 1126:3, 1126:5, 1129:20, 1134:25, 1139:3, 1139:7, 1156:14, 1156:17, 1165:3, 1186:2, 1204:2, 1205:5, 1209:8, 1211:6, 1213:18, 1216:8, 1233:12, 1236:19, 1241:21, 1249:13, 1250:15, 1250:21, 1251:8, 1255:1, 1257:3, 1257:6</p> <p><b>upheld</b> [1] - 1099:14</p> <p><b>upper</b> [3] - 1196:19, 1196:22</p> <p><b>Urdu</b> [1] - 1186:22</p> <p><b>urge</b> [1] - 1111:11</p> <p><b>useful</b> [1] - 1162:13</p> <p><b>uses</b> [2] - 1167:21, 1194:23</p> <p><b>USS</b> [2] - 1147:25, 1218:13</p> <p><b>utilize</b> [4] - 1104:18, 1123:18, 1175:11, 1177:8</p> <p><b>utilized</b> [2] - 1123:21, 1158:1</p>   | <p><b>Vidino</b> [21] - 1081:8, 1086:9, 1121:16, 1121:21, 1125:16, 1127:17, 1130:25, 1132:13, 1132:17, 1137:6, 1137:24, 1146:14, 1147:4, 1154:3, 1157:8, 1166:15, 1181:3, 1183:10, 1185:16, 1223:3, 1227:7</p> <p><b>VIDINO</b> [1] - 1260:5</p> <p><b>vidino</b> [1] - 1171:6</p> <p><b>Vidino's</b> [1] - 1083:13</p> <p><b>view</b> [13] - 1083:12, 1134:6, 1134:7, 1158:3, 1163:10, 1163:12, 1164:7, 1171:6, 1173:20, 1210:13, 1220:10, 1226:19, 1226:23</p> <p><b>viewing</b> [1] - 1246:8</p> <p><b>violence</b> [14] - 1126:12, 1139:15, 1140:1, 1140:3, 1140:5, 1183:18, 1205:17, 1209:5, 1209:8, 1224:16, 1225:5, 1225:11, 1245:24</p> <p><b>violent</b> [10] - 1163:13, 1191:2, 1200:20, 1202:8, 1205:6, 1206:18, 1209:1, 1210:6, 1210:19, 1212:1</p> <p><b>Virginia</b> [2] - 1128:7</p> <p><b>virtue</b> [1] - 1174:6</p> <p><b>visible</b> [1] - 1205:17</p> <p><b>vision</b> [1] - 1139:5</p> <p><b>visit</b> [2] - 1106:25</p> <p><b>visits</b> [1] - 1094:10</p> <p><b>voting</b> [1] - 1140:8</p>  | <p><b>weak</b> [1] - 1146:2</p> <p><b>wealthy</b> [1] - 1135:13</p> <p><b>weapons</b> [1] - 1104:19</p> <p><b>web</b> [1] - 1176:25</p> <p><b>website</b> [9] - 1177:10, 1254:24, 1255:1, 1255:2, 1255:6, 1255:12, 1255:13, 1255:15, 1256:5</p> <p><b>websites</b> [4] - 1123:6, 1176:25, 1255:4, 1257:13</p> <p><b>Wednesday</b> [2] - 1252:18, 1253:2</p> <p><b>WEDNESDAY</b> [1] - 1080:7</p> <p><b>week</b> [7] - 1086:18, 1232:24, 1240:5, 1241:5, 1241:7, 1242:6, 1253:23</p> <p><b>weekend</b> [3] - 1242:7, 1257:9, 1259:17</p> <p><b>weekly</b> [1] - 1217:4</p> <p><b>weeks</b> [1] - 1107:8</p> <p><b>well-known</b> [1] - 1156:18</p> <p><b>well-produced</b> [1] - 1164:2</p> <p><b>well-publicized</b> [1] - 1148:7</p> <p><b>West</b> [7] - 1110:3, 1110:13, 1110:17, 1122:16, 1125:24, 1127:14, 1223:14</p> <p><b>west</b> [33] - 1149:6, 1150:4, 1151:11, 1154:7, 1154:14, 1154:24, 1155:5, 1155:14, 1159:25, 1165:17, 1168:19, 1168:20, 1169:4, 1170:18, 1170:21, 1172:23, 1173:5, 1173:7, 1173:16, 1173:18, 1173:21, 1178:7, 1205:6, 1206:18, 1208:15, 1220:14, 1221:8, 1223:13, 1223:23, 1227:17, 1245:11, 1247:10</p> <p><b>western</b> [34] - 1152:18, 1154:6, 1154:17, 1162:22, 1165:15, 1173:8, 1173:10, 1173:13, 1175:2, 1175:3, 1175:4, 1175:7, 1175:9, 1177:18, 1177:21, 1178:4, 1198:16, 1198:21, 1198:22, 1200:22, 1206:16, 1220:20, 1221:5, 1221:7, 1221:11, 1223:21, 1223:22, 1224:19, 1226:18, 1226:20, 1227:3</p> <p><b>Western</b> [2] - 1127:1, 1129:19</p> <p><b>western-friendly</b> [1] - 1175:3</p> <p><b>westerner</b> [2] - 1198:13, 1199:5</p> <p><b>westerners</b> [4] - 1174:24, 1198:5, 1198:10, 1221:14</p> <p><b>whereabouts</b> [1] - 1243:6</p> <p><b>whereas</b> [1] - 1186:16</p> <p><b>white</b> [2] - 1108:3, 1110:7</p> <p><b>whole</b> [8] - 1100:16, 1108:14, 1108:17, 1113:2, 1113:4, 1251:24, 1254:16, 1256:1</p> <p><b>wide</b> [2] - 1103:17, 1202:4</p> <p><b>wide-open</b> [1] - 1103:17</p> <p><b>widely</b> [2] - 1176:3, 1177:3</p> <p><b>wife</b> [1] - 1107:1</p> <p><b>willing</b> [1] - 1081:5</p> <p><b>wind</b> [1] - 1096:21</p> <p><b>wing</b> [1] - 1209:2</p> <p><b>wisely</b> [1] - 1257:10</p> <p><b>wishes</b> [1] - 1248:23</p> <p><b>withdraw</b> [4] - 1146:7, 1146:9, 1171:1</p> <p><b>withdraws</b> [1] - 1146:1</p> |
| <p style="text-align: center;"><b>V</b></p>  | <p style="text-align: center;"><b>V</b></p>   | <p style="text-align: center;"><b>V</b></p>   |
| <p><b>V-I-D-I-N-O</b> [1] - 1121:22</p> <p><b>valuable</b> [4] - 1110:4, 1110:14, 1220:19, 1220:23</p> <p><b>value</b> [14] - 1081:10, 1173:6, 1173:12, 1173:13, 1198:4, 1198:9, 1198:13, 1199:5, 1220:13, 1220:16, 1221:6, 1221:7, 1223:18, 1223:21</p> <p><b>vanguard</b> [1] - 1161:16</p> <p><b>variety</b> [11] - 1140:24, 1147:17, 1149:5, 1150:20, 1164:6, 1167:10, 1175:3, 1176:23, 1182:17, 1202:4, 1224:1</p> <p><b>various</b> [7] - 1083:25, 1125:2, 1204:23, 1254:2, 1256:20, 1256:21</p> <p><b>vehicle</b> [1] - 1258:15</p> <p><b>veneer</b> [1] - 1082:10</p> <p><b>verb</b> [1] - 1210:16</p> <p><b>verified</b> [1] - 1156:19</p> <p><b>verify</b> [1] - 1235:7</p> <p><b>verses</b> [2] - 1145:10, 1168:2</p> <p><b>versus</b> [1] - 1213:10</p> <p><b>Very-well</b> [1] - 1148:3</p> <p><b>via</b> [1] - 1249:17</p> <p><b>victim</b> [1] - 1234:14</p> <p><b>victims</b> [3] - 1170:1, 1170:2, 1170:4</p> <p><b>Victory</b> [1] - 1257:18</p> <p><b>victory</b> [1] - 1172:7</p> <p><b>video</b> [9] - 1201:25, 1249:8, 1249:9, 1249:17, 1251:11, 1253:24, 1254:8, 1254:13, 1258:17</p> <p><b>videos</b> [10] - 1164:1, 1166:25, 1175:17, 1177:2, 1253:15, 1253:16, 1254:15, 1254:17, 1257:6, 1258:24</p> | <p style="text-align: center;"><b>W</b></p> <p><b>waged</b> [1] - 1112:7</p> <p><b>waging</b> [1] - 1112:10</p> <p><b>wait</b> [2] - 1199:3, 1253:1</p> <p><b>waive</b> [1] - 1081:5</p> <p><b>wake</b> [1] - 1211:6</p> <p><b>wake-up</b> [1] - 1211:6</p> <p><b>walk</b> [2] - 1094:4, 1114:21</p> <p><b>walks</b> [2] - 1183:23, 1209:13</p> <p><b>wants</b> [6] - 1082:24, 1203:24, 1214:3, 1214:23, 1250:24, 1259:7</p> <p><b>War</b> [2] - 1145:13, 1257:18</p> <p><b>war</b> [14] - 1112:7, 1112:10, 1133:2, 1133:3, 1133:11, 1138:11, 1142:9, 1142:15, 1142:25, 1143:10, 1144:7, 1144:18, 1224:22, 1225:2</p> <p><b>warriors</b> [1] - 1144:8</p> <p><b>Washington</b> [4] - 1102:4, 1112:2, 1125:13, 1128:5</p> <p><b>watch</b> [1] - 1231:15</p> <p><b>watched</b> [1] - 1254:15</p> <p><b>watching</b> [5] - 1209:21, 1210:1, 1253:25, 1254:3, 1259:2</p> <p><b>water</b> [1] - 1173:17</p> <p><b>ways</b> [12] - 1130:12, 1139:22, 1139:23, 1155:13, 1156:11, 1159:22, 1162:1, 1162:14, 1176:23, 1209:17, 1223:4, 1235:1</p> <p><b>Waziristan</b> [8] - 1107:6, 1107:7, 1107:9, 1107:12, 1107:21, 1187:4, 1187:9, 1187:10</p> | <p style="text-align: center;"><b>W</b></p>   |

|   |   |
|---|---|
| <p><b>withhold</b> [1] - 1160:6</p> <p><b>witness</b> [34] - 1081:21, 1083:2, 1084:5, 1086:9, 1086:22, 1087:2, 1087:4, 1088:7, 1089:7, 1089:8, 1089:17, 1121:7, 1121:14, 1146:13, 1166:8, 1166:9, 1179:3, 1180:5, 1180:9, 1185:5, 1206:7, 1227:24, 1227:25, 1230:25, 1234:23, 1235:14, 1237:12, 1237:22, 1239:19, 1239:20, 1248:24, 1249:17, 1251:3, 1258:15</p> <p><b>Witness</b> [3] - 1121:18, 1185:7, 1228:3</p> <p><b>WITNESS</b> [3] - 1121:21, 1228:6, 1260:1</p> <p><b>witness's</b> [5] - 1083:23, 1089:10, 1090:3, 1090:4, 1250:10</p> <p><b>witnesses</b> [2] - 1251:23, 1252:1</p> <p><b>WITSEC</b> [1] - 1117:2</p> <p><b>Women</b> [1] - 1204:11</p> <p><b>women</b> [1] - 1114:11</p> <p><b>Woolworth</b> [1] - 1080:19</p> <p><b>word</b> [19] - 1133:19, 1137:25, 1138:9, 1144:6, 1144:9, 1144:11, 1159:18, 1168:6, 1183:10, 1197:3, 1199:13, 1203:5, 1221:20, 1221:21, 1238:20, 1239:1, 1239:5, 1239:9, 1252:9</p> <p><b>wording</b> [1] - 1239:2</p> <p><b>words</b> [10] - 1099:11, 1234:25, 1235:2, 1235:4, 1235:5, 1235:7, 1237:5, 1238:19, 1239:3, 1241:20</p> <p><b>works</b> [3] - 1130:5, 1159:15, 1199:16</p> <p><b>workshops</b> [1] - 1124:1</p> <p><b>World</b> [1] - 1112:1</p> <p><b>world</b> [30] - 1107:18, 1108:14, 1110:8, 1125:23, 1134:6, 1134:7, 1135:4, 1138:21, 1138:22, 1146:21, 1157:22, 1157:24, 1158:3, 1162:12, 1164:8, 1164:22, 1173:9, 1190:19, 1191:9, 1192:25, 1193:21, 1195:12, 1195:13, 1198:21, 1200:22, 1210:12, 1238:16, 1243:7, 1254:16, 1258:10</p> <p><b>worldwide</b> [5] - 1141:19, 1141:23, 1144:21, 1161:17, 1161:21</p> <p><b>worry</b> [2] - 1097:19, 1098:18</p> <p><b>worse</b> [1] - 1104:16</p> <p><b>worth</b> [1] - 1096:2</p> <p><b>wrap</b> [1] - 1165:3</p> <p><b>write</b> [6] - 1084:1, 1088:3, 1126:18, 1127:11, 1129:2, 1232:25</p> <p><b>writing</b> [1] - 1135:3</p> <p><b>written</b> [14] - 1089:11, 1130:20, 1131:15, 1131:18, 1205:12, 1207:21, 1208:1, 1214:13, 1226:23, 1231:11, 1231:13, 1237:7, 1238:21, 1239:3</p> <p><b>wrote</b> [12] - 1088:13, 1090:14, 1096:9, 1097:22, 1099:11, 1118:20, 1129:3, 1176:19, 1208:6, 1226:15, 1235:14, 1237:5</p> | <p><b>Yar's</b> [2] - 1244:16, 1245:21</p> <p><b>yard</b> [1] - 1094:4</p> <p><b>Yazid</b> [3] - 1216:18, 1216:22, 1217:1</p> <p><b>year</b> [7] - 1090:23, 1097:23, 1098:23, 1105:6, 1186:10, 1186:12, 1244:11</p> <p><b>years</b> [34] - 1087:25, 1090:7, 1091:3, 1091:5, 1098:7, 1098:14, 1098:18, 1099:1, 1100:18, 1105:2, 1111:25, 1119:6, 1119:10, 1119:13, 1123:21, 1125:19, 1128:24, 1138:15, 1154:23, 1173:15, 1177:11, 1177:25, 1179:8, 1179:9, 1186:10, 1186:13, 1186:17, 1199:2, 1208:2, 1229:24, 1229:25, 1230:6, 1230:18</p> <p><b>yell</b> [1] - 1114:22</p> <p><b>Yemen</b> [12] - 1147:9, 1147:24, 1148:1, 1158:2, 1158:7, 1176:13, 1181:9, 1181:12, 1181:17, 1200:5, 1200:7, 1207:1</p> <p><b>Yemeni</b> [2] - 1176:9, 1200:8</p> <p><b>yesterday</b> [15] - 1081:12, 1081:25, 1083:3, 1083:13, 1087:13, 1087:17, 1108:2, 1185:25, 1213:2, 1231:24, 1232:2, 1232:18, 1234:16, 1242:25, 1244:9</p> <p><b>yesterdays</b> [1] - 1168:21</p> <p><b>YORK</b> [2] - 1080:1, 1080:6</p> <p><b>York</b> [11] - 1080:14, 1080:15, 1080:20, 1080:25, 1100:20, 1110:21, 1110:22, 1110:23, 1247:4</p> <p><b>Youcef</b> [1] - 1246:12</p> <p><b>young</b> [1] - 1176:12</p> <p><b>yourself</b> [5] - 1114:23, 1187:1, 1187:14, 1192:8, 1209:19</p> <p><b>yourselves</b> [1] - 1184:16</p> <p><b>Yousef</b> [1] - 1226:11</p> <p><b>Youtube</b> [2] - 1103:17, 1177:2</p> |
| <b>Z</b>  |   |
| <p><b>ZA38</b> [1] - 1112:20</p> <p><b>ZAREIN</b> [1] - 1260:2</p> <p><b>Zawahiri</b> [1] - 1188:19</p> <p><b>Zawahri</b> [1] - 1135:8</p> <p><b>Zazi</b> [2] - 1101:4, 1102:12</p> <p><b>Zionist</b> [1] - 1111:22</p> <p><b>zooming</b> [1] - 1237:3</p> <p><b>Zurich</b> [1] - 1128:24</p>   |   |
| <b>Y</b>  |   |
| <p><b>Yahooing</b> [1] - 1242:3</p> <p><b>Yar</b> [6] - 1232:25, 1234:11, 1244:2, 1245:14, 1246:5, 1246:6</p>   |   |